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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-SIXTH SESSION

Geneva, 1-26 August 1994

Rapporteur: Mr. Osman El-Hajjé

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I. DRAFT RESOLUTIONS AND DECISIONS RECOMMENDED TO THE COMMISSION ON HUMAN RIGHTS FOR ADOPTION

A. Draft resolutions

I. Prevention of discrimination and protection of minorities

The Commission on Human Rights,

Taking note of resolution 1994/4 of 19 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. Endorses the recommendations:

(a) That an inter-sessional working group of the Sub-Commission be established, consisting of five of its members, to examine, inter alia, peaceful and constructive solutions to situations involving minorities, and in particular to:

(i) Review the practical application of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

(ii) Provide recommendations to the Sub-Commission and other competent entities, including the High Commissioner for Human Rights, on further measures for the protection of minorities in cases where the working group finds a risk of the eruption or escalation of violence between different groups in society;

(iii) Promote dialogue between minority groups in society and between those groups and Governments;

(b) To request the assistance of Mr. Asbjørn Eide to prepare an analytical report on minority issues, as envisaged in Commission resolution 1994/22 of 1 March 1994, to submit a preliminary report to the Commission at its fifty-second session and a final report at its fifty-third session, bearing in mind in particular the new developments affecting minorities;

(c) That the Centre for Human Rights be strengthened to enable it to provide adequate services to the working group and for relevant studies, and for the purpose of undertaking relevant evaluation and action in this field;

(d) That the study by Mr. Eide on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities (E/CN.4/Sub.2/1993/34 and Add.1-4) be published in all the official languages of the United Nations and given the widest possible circulation;

2. Recommends the following draft resolution to the Economic and Social Council for adoption:

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1995/... of ... 1994 and of resolution 1994/4 of 19 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Endorses the recommendations of the Sub-Commission and the Commission to:

(a) Establish an inter-sessional working group of the Sub-Commission to examine, inter alia, peaceful and constructive solutions to situations involving minorities, and in particular to:

(i) Review the practical application of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

(ii) Provide recommendations to the Sub-Commission and other competent entities, including the High Commissioner for Human Rights, on further measures for the protection of minorities in cases where the working group finds a risk of the eruption or escalation of violence between different groups in society;

(iii) Promote dialogue between minority groups in society and between those groups and Governments;

(b) Request the assistance of Mr. Asbjørn Eide to prepare an analytical report on minority issues, as envisaged in Commission resolution 1994/22 of 1 March 1994, to submit a preliminary report to the Commission at its fifty-second session and a final report at its fifty-third session, bearing in mind in particular the new developments affecting minorities;

(c) Strengthen the Centre for Human Rights to enable it to provide adequate services to the working group and for the purpose of undertaking relevant studies, evaluation and action required in this field;

(d) Publish the study by Mr. Eide on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities (E/CN.4/Sub.2/1993/34 and Add.1-4) in all the official languages of the United Nations and to give it the widest possible circulation.

[See chap. II, sect. A, resolution 1994/4,
and chap. XIX.]

II. Human rights and the environment

The Commission on Human Rights,

Taking account of its resolution 1994/65 of 9 March 1994,

Taking account also of resolution 1994/27 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having considered the final report of the Special Rapporteur on human rights and the environment, Ms. Fatma Zohra Ksentini, (E/CN.4/Sub.2/1994/9),

1. Expresses its deepest appreciation to the Special Rapporteur, for her final report on human rights and the environment;

2. Requests that the Special Rapporteur's final report, with the annexes, be published by the United Nations in all the official languages;

3. Decides to appoint a special rapporteur on human rights and the environment with a mandate to:

(a) Monitor, examine and receive communications and to make recommendations on environmental problems affecting the full enjoyment of human rights;

(b) Seek comments on the draft principles on human rights and the environment annexed to the final report of the Special Rapporteur of the Sub-Commission and to make recommendations regarding the draft;

4. Requests the Special Rapporteur to submit a report to the Commission at its fifty-second session;

5. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance;

6. Recommends the following draft decision to the Economic and Social Council for adoption:

> "The Economic and Social Council, taking note of Commission on Human Rights resolution 1995/.. of ....1995, decides to endorse the Commission's decision to appoint a special rapporteur on human rights and the environment, the Commission's request to the Secretary-General to provide the Special Rapporteur with all necessary assistance and the Commission's request that the final report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on human rights and the environment (E/CN.4/Sub.2/1994/9) be published by the United Nations in all the official languages."

[See chap. II, sect. A, resolution 1994/27,
and chap. V.]

III. Question of human rights and states of emergency

The Commission on Human Rights,

Endorsing Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1994/36, of 26 August 1994,

Recommends the following draft resolution to the Economic and Social Council for adoption:

> "The Economic and Social Council,
>
> Recalling Commission on Human Rights resolution 1995/... of ... 1995 and Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1994/36 of 26 August 1994,
>
> 1. Approves the Sub-Commission's request to the Special Rapporteur on human rights and states of emergency, Mr. Leandro Despouy, to fulfil his mandate, notably relating to the holding of an expert meeting (i) to study non-derogable rights in states or situations of emergency and the international principles to be taken into account in drafting national legal rules, and (ii) to establish a database on states of emergency and related human rights questions;
>
> 2. Requests the Secretary-General to place at the disposal of the Special Rapporteur the human and material resources to fulfil his mandate in accordance with the foregoing."

[See chap. II, sect. A, resolution 1994/36, and chap. XI.]

IV. Promoting the realization of the right to adequate housing

The Commission on Human Rights,

Taking note of resolution 1994/38 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1994/14 of 25 February 1994,

Recalling also its decision 1993/103 of 4 March 1993,

Welcoming the second progress report of the Special Rapporteur on the right to adequate housing, Mr. Rajindar Sacher (E/CN.4/Sub.2/1994/20),

1. Invites the Special Rapporteur to submit his final report to the Sub-Commission at its forty-seventh session;

2. Requests the Secretary-General to provide the Special Rapporteur with all the necessary financial, technical and expert assistance required for the completion of his final report;

3. Also requests the Secretary-General to organize an expert seminar on the human right to adequate housing in order to discuss appropriate, effective and comprehensive final conclusions and recommendations for inclusion in the final report;

4. Recommends the following draft decision to the Economic and Social Council for adoption:

"The Economic and Social Council, taking note of Commission on Human Rights resolution 1995/.. of... 1995 and resolution 1994/38 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities decides to approve the Commission's requests to the Secretary-General to:

(a) Provide the Special Rapporteur on the right to adequate housing with all the necessary financial, technical and expert assistance required for the completion of his final report;

(b) Organize an expert seminar on promoting the full realization of the right to adequate housing in order to discuss appropriate, effective and comprehensive conclusions and recommendations for inclusion in the final report of the Special Rapporteur."

[See chap. II, sect. A, resolution 1994/38,
and chap. IX.]

V. Human rights and extreme poverty

The Commission on Human Rights,

Endorsing resolution 1994/41 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having taken note of the results of the work of the seminar on the topic "Extreme poverty and the denial of human rights" organized by the Special Rapporteur,

Recommends the following draft resolution to the Economic and Social Council for adoption:

"The Economic and Social Council,

Recalling Commission on Human Rights resolution 1995/... of ... 1995 and resolution 1994/41 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. Takes note of the proposals of the Special Rapporteur on the study of the question of human rights and extreme poverty, Mr. Leandro Despouy;

2. Requests the Secretary-General to make available to the Special Rapporteur the human and material resources necessary for the fulfilment of his mandate."

[See chap. II, sect. A, resolution 1994/41, and chap. IX.]

B. Draft decisions

1. A world conference against racism, racial and ethnic discrimination, xenophobia and other related contemporary forms of intolerance

The Commission on Human Rights, noting resolution 1994/2 of 12 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the recommendation of the Sub-Commission and suggests, through the Economic and Social Council, to the General Assembly, at its fiftieth session, to consider the possibility of convening a world conference against racism, racial and ethnic discrimination, xenophobia and other related contemporary forms of intolerance, to take place in 1997.

[See chap. II, sect. A, resolution 1994/2, and chap. VI.]

2. Report of the Working Group on Contemporary Forms of Slavery

The Commission on Human Rights, noting resolution 1994/5 of 19 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the recommendation of the Sub-Commission to appoint Ms. H. E. Warzazi as Special Rapporteur on the exploitation of child labour and debt bondage, having regard to the importance of this study.

[See chap. II, sect. A, resolution 1994/5, and chap. XVII.]

3. United Nations Trust Fund on Contemporary Forms of Slavery

The Commission on Human Rights, noting resolution 1994/6 of 19 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the recommendation that, in order to make the Trust Fund more effective, the General Assembly consider amending the criteria for the Fund contained in its resolution 46/122 of 17 December 1991, in order to clarify the purposes of the Fund by reprioritizing them and, consequently, to reprioritize the potential beneficiaries, by reversing the order of subparagraphs 1 (e) (i) and 1 (e) (ii) of resolution 46/122; and recommends to the Economic and Social Council the following draft decision for adoption:

> "The Economic and Social Council, noting decision 1995/... of .... 1995 of the Commission on Human Rights and resolution 1994/6 of 19 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the recommendation that, in order to make the Trust Fund more effective, the General Assembly consider amending the criteria for the Fund contained in its resolution 46/122 of

> 17 December 1991, in order to clarify the purposes of the Fund by reprioritizing them and, consequently, to reprioritize the potential beneficiaries, by reversing the order of subparagraphs 1 (e) (i) and 1 (e) (ii) of resolution 46/122."

[See chap. II, sect. A, resolution 1994/6,
and chap. XVII.]

4. Machinery for monitoring the international conventions on slavery

The Commission on Human Rights, taking note of resolution 1994/7 of 19 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decides that the Working Group on Contemporary Forms of Slavery should continue its work and, for the purpose of reviewing the implementation of the conventions on slavery, authorizes the Working Group to request information from Member States with a view to formulating concrete recommendations; also decides: to authorize the Working Group to cooperate with the Governments concerned in the review and evaluation of ways and means to eradicate slavery in all its forms and to request contributions to the work of the Working Group from experts of the United Nations Children's Fund, the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization and the International Criminal Police Organization; to authorize the Sub-Commission to appoint the members of the Working Group for a period of three years; and to examine this matter at regular intervals to verify the efficiency of the mechanism proposed.

[See chap. II, sect. A, resolution 1994/7,
and chap. XVII.]

5. Question of the implications for human rights of United Nations action, including humanitarian assistance, in addressing international humanitarian problems and in the promotion and protection of human rights

The Commission on Human Rights, taking note of resolution 1994/25 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the Sub-Commission's request to appoint Ms. Claire Palley as Special Rapporteur on the question of the implications for human rights of United Nations action, including humanitarian assistance, in addressing international humanitarian problems and in the promotion and protection of human rights. The Commission also endorses the Sub-Commission's request to the Secretary-General to provide the Special Rapporteur with all the necessary assistance, including the resources required, to complete her study, and proposes the following draft decision to the Economic and Social Council for adoption:

> "The Economic and Social Council, taking note of Commission on Human Rights resolution 1995/... of ... 1995 and resolution 1994/25 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and

Protection of Minorities, authorizes the appointment of Ms. Claire Palley as Special Rapporteur on the question of the implications for human rights of United Nations action, including humanitarian assistance, in addressing international humanitarian problems and in the promotion and protection of human rights. The Council also endorses the Sub-Commission's request to the Secretary-General to provide the Special Rapporteur with all the necessary assistance, including the resources required, to complete her study."

[See chap. II, resolution 1994/25,
and chap. XXI.]

6. Recognition of gross and large-scale violations of human rights as an international crime

The Commission on Human Rights, noting resolution 1994/28 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the recommendation to appoint Mr. Stanislav Chernichenko as Special Rapporteur to prepare a report on the recognition of gross and large-scale violations of human rights perpetrated on the orders of Governments or sanctioned by them as an international crime, and requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the completion of his task.

[See chap. II, resolution 1994/28,
and chap. V.]

7. Discrimination in the context of human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS)

The Commission on Human Rights, noting resolution 1994/29 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the recommendation that the Centre for Human Rights organize a second international expert consultation on human rights and AIDS, with particular emphasis on the prevention of AIDS-related discrimination and stigma.

[See chap. II, sect. A, resolution 1994/29,
and chap. V.]

8. Traditional practices affecting the health of women and children

The Commission on Human Rights, noting resolution 1994/30 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the recommendations of the Sub-Commission that:

(a) The mandate of the Special Rapporteur, Ms. Halima Embarek Warzazi, be extended for two more years, in order to enable her to undertake an in-depth study to assess, inter alia, the differences and similarities between traditional practices affecting the health of women and children in many parts of the world, taking into consideration, among other relevant documents and information, the conclusions and recommendations of the regional seminars and the effects of the implementation of the Plan of Action for the Elimination of Harmful Traditional Practices affecting the Health of Women and Children;

(b) The Special Rapporteur submit her preliminary report to the Sub-Commission at its forty-seventh session and her final report at its forty-eighth session; and

(c) The Secretary-General be requested to provide all the assistance that the Special Rapporteur may require in the exercise of her mandate; and recommends the following draft decision to the Economic and Social Council for adoption:

> "The Economic and Social Council, noting Commission on Human Rights decision 1995/.. of ..... 1995 and resolution 1994/30 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, approves the Commission's endorsement of the Sub-Commission's recommendations that:
>
> (a) The mandate of the Special Rapporteur, Ms. Halima Embarek Warzazi, be extended for two more years, in order to enable her to undertake an in-depth study to assess, inter alia, the differences and similarities between traditional practices affecting the health of women and children in many parts of the world, taking into consideration, among other relevant documents and information, the conclusions and recommendations of the regional seminars and the effects of the implementation of the Plan of Action for the Elimination of Harmful Traditional Practices affecting the Health of Women and Children;
>
> (b) The Special Rapporteur be requested to submit her preliminary report to the Sub-Commission at its forty-seventh session and her final report at its forty-eighth session; and
>
> (c) That the Secretary-General be requested to provide all the assistance that the Special Rapporteur may require in the exercise of her mandate."

[See chap. II, sect. A., resolution 1994/30,
and chap. V.]

9. The right to a fair trial

The Commission on Human Rights, noting resolution 1994/35 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, expresses its appreciation to the Special Rapporteurs, Mr. Stanislav Chernichenko and Mr. William Treat, for their work on the study entitled "The right to a fair trial: current recognition and measures necessary for is strengthening", and decides to endorse the request of the Sub-Commission to publish the full study in all the official languages of the United Nations, taking into account, inter alia, the comments received from Governments and members of the Sub-Commission, as well as the most recent developments up to the date on which the report is ready for publication, and to give the study the widest possible distribution. The Commission also decides to consider at its fifty-second session the establishment of an open-ended working group to draft a third optional protocol to the International Covenant on Civil and Political Rights aiming at guaranteeing under all circumstances the right to a fair trial and a remedy, and recommends the following draft decision to the Economic and Social Council for adoption:

> "The Economic and Social Council, recalling its decision 1994/251 of 22 July 1994, approves the endorsement by the Commission on Human Rights of the request of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to Mr. Stanislav Chernichenko and Mr. William Treat to publish their compiled report on the right to a fair trial and a remedy, as described in Sub-Commission resolution 1994/35 of 26 August 1994, and requests the Secretary-General to provide all assistance necessary for the compilation and publication of the compiled report."

[See chap. II, sect. A, resolution 1994/35, and chap. XI.]

10. Measures towards the full realization of economic, social and cultural rights

The Commission on Human Rights, noting resolution 1994/37 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the requests of the Sub-Commission and decides to:

(a) Consider the desirability of appointing thematic rapporteurs entrusted with investigating specific economic, social and cultural rights, in particular the right to adequate housing and human rights and the environment, especially in view of the substantial non-realization of these and other economic, social and cultural rights;

(b) Examine the work carried out by the Committee on Economic, Social and Cultural Rights concerning the adoption of an optional protocol to the International Covenant on Economic, Social and Cultural Rights granting individuals and groups the right to submit communications alleging non-compliance by States parties, whether by act or omission, with the provisions of the Covenant and to forward its specific views to the Committee as to the contents of such an optional protocol;

(c) Request explicitly each country rapporteur to include a specific reference to the enjoyment of economic, social and cultural rights in his or her reports and to develop guidelines for use by country rapporteurs in this regard;

(d) Request the High Commissioner for Human Rights to take into full consideration economic, social and cultural rights in carrying out his mandate;

(e) Request the international financial institutions, in particular the World Bank, the International Monetary Fund and the World Trade Organization, to develop independent mechanisms designed to ensure that international human rights standards are taken fully into account in the adoption of all relevant policies, projects and practices and that these standards are fully respected in this regard.

[See chap. II, sect. A, resolution 1994/37, and chap. IX.]

11. Human rights and income distribution

The Commission on Human Rights, noting resolution 1994/40 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, approves the decision to appoint Mr. José Bengoa as Special Rapporteur on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution, at both national and international levels, taking also into account matters related to the realization of the right to development, with a view to determining how most effectively to strengthen activities in this field, and approves further the request to the Special Rapporteur to submit a preliminary report to the Sub-Commission at its forty-seventh session, a progress report at its forty-eighth session and a final report at its forty-ninth session.

[See chap. II, sect. A, resolution 1994/40, and chap. IX.]

12. Discrimination against indigenous peoples

The Commission on Human Rights, noting resolution 1994/46 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decides to recommend to the Economic and Social Council that it approve the participation of Ms. Erica-Irene Daes, Chairperson-Rapporteur of the Working Group on Indigenous Populations, in the World Summit for Social Development, which will take place at Copenhagen in March 1995; and authorizes the Working Group to meet for eight working days prior to the forty-seventh session of the Sub-Commission.

[See chap. II, sect. A, resolution 1994/46, and chap. XVI.]

13. International Decade of the World's Indigenous People

The Commission on Human Rights, noting resolution 1994/47 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the recommendation of the Sub-Commission that:

(a) The International Decade have an operational focus and that the theme for the Decade be "Indigenous peoples: a new relationship: partnership in action";

(b) Attention be paid to improving the extent and effectiveness of indigenous participation in planning and implementing the activities for the Decade, including through the recruitment of indigenous staff by all relevant United Nations bodies and agencies, funds for this purpose being provided from the regular budget of the United Nations and the specialized agencies;

(c) The International Day of Indigenous People be observed every year on 9 August, that date being the anniversary of the first day of the first meeting of the Working Group on Indigenous Populations in 1982;

(d) A second technical meeting on the International Decade be convened prior to the thirteenth session of the Working Group on Indigenous Populations to consider the final programme of action for the Decade and that its suggestions be referred to the Working Group for elaboration;

(e) The Secretary-General consider renewing the appointment of Ms. Rigoberta Menchú Tum as United Nations Goodwill Ambassador; and recommends the following draft decision to the Economic and Social Council for adoption:

> "The Economic and Social Council, noting Commission on Human Rights decision 1995/... of ..... 1995 and resolution 1994/47 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, approves the Commission's recommendations that:
>
> (a) The International Decade have an operational focus and that the theme for the Decade be 'indigenous peoples: a new relationship: partnership in action';
>
> (b) Attention be paid to improving the extent and effectiveness of indigenous participation in planning and implementing the activities for the Decade, including through the recruitment of indigenous staff by all relevant United Nations bodies and agencies, funds for this purpose being provided from the regular budget of the United Nations and the specialized agencies;
>
> (c) The International Day of Indigenous People be observed every year on 9 August, that date being the anniversary of the first day of the first meeting of the Working Group on Indigenous Populations in 1982;

(d) A second technical meeting on the International Decade be convened prior to the thirteenth session of the Working Group on Indigenous Populations to consider the final programme of action for the Decade and that its suggestions be referred to the Working Group for elaboration; and that

(e) The Secretary-General consider renewing the appointment of Ms. Rigoberta Menchú Tum as United Nations Goodwill Ambassador."

[See chap. II, sect. A, resolution 1994/47,
and chap. XVI.]

14. Protection of the heritage of indigenous people

The Commission on Human Rights, noting resolution 1994/48 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decides to endorse the request to the Secretary-General to submit the principles and guidelines annexed to the preliminary report of the Special Rapporteur, Ms. Erica-Irene Daes, to indigenous people's organizations, communities and nations, as well as to Governments, specialized agencies and intergovernmental and non-governmental organizations concerned, for their comments; the request to the Special Rapporteur to prepare her final report on the basis, inter alia, of the comments and information received and to submit it to the Sub-Commission at its forty-seventh session; and the request to the Secretary-General to provide the Special Rapporteur with the necessary assistance to enable her to carry out her mandate successfully. The Commission recommends to the Economic and Social Council the following draft decision for adoption:

"The Economic and Social Council, noting decision 1995/... of ... 1995 of the Commission on Human Rights, welcomes the preliminary report on the protection of the heritage of indigenous people (E/CN.4/Sub.2/1994/31) and the relevant principles and guidelines contained in its annex; expresses its deep appreciation to the Special Rapporteur, Ms. Erica-Irene Daes; requests the Secretary-General to submit the principles and guidelines to indigenous people's organizations, communities and nations, as well as non-governmental organizations concerned for their comments; authorizes the Special Rapporteur to prepare her final report taking into consideration, inter alia, the comments and information received and to submit it to the Sub-Commission at its forty-seventh session; and requests the Secretary-general to provide the Special Rapporteur with all the assistance necessary to enable her to carry out her mandate successfully."

[See chap. II, sect. A, resolution 1994/48,
and chap. XVI.]

15. Participation of indigenous persons and organizations in bodies of the United Nations during discussion of the draft United Nations declaration on the rights of indigenous peoples

The Commission on Human Rights, noting resolutions 1994/45 and 1994/49 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decides to recommend to the Economic and Social Council that it approve the participation of indigenous persons and organizations, without regard to consultative status, during discussion of the draft United Nations declaration on the rights of indigenous peoples in meetings of United Nations bodies, including the Commission itself.

[See chap. II, sect. A, resolutions 1994/45 and 1994/49, and chap. XVI.]

16. Permanent forum in the United Nations for indigenous people

The Commission on Human Rights, noting resolution 1994/50 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the recommendation that the Centre for Human Rights organize a workshop on a possible permanent forum for indigenous people with the participation of representatives of Governments, indigenous organizations and independent experts.

[See chap. II, sect. A, resolution 1994/50, and chap. XVI.]

17. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

The Commission on Human Rights, noting decision 1994/116 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the recommendation that the Special Rapporteur,
Mr. Miguel Alfonso Martínez, make all possible efforts to submit his second progress report in 1995 to the Working Group on Indigenous Populations at its thirteenth session and to the Sub-Commission at its forty-seventh session, as well as his final report to both bodies in 1996. The Commission also endorses the recommendation to request the Secretary-General to give the Special Rapporteur all the necessary assistance to allow him to continue his work, in particular by providing for the specialized research assistance required and for the necessary trips to Geneva for consultation with the Centre for Human Rights, and the resources needed for a research mission to the Vatican archives in Rome. The Commission recommends to the Economic and Social Council the following draft decision for adoption:

"The Economic and Social Council, noting decision 1995/... of ... March 1995 of the Commission on Human Rights and decision 1994/116 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the recommendation that the Special

Rapporteur, Mr. Miguel Alfonso Martínez, make all possible efforts to submit his second progress report in 1995 to the Working Group on Indigenous Populations at its thirteenth session and to the Sub-Commission at its forty-seventh session, as well as his final report to both bodies in 1996. The Council also endorses the recommendation to request the Secretary-General to give the Special Rapporteur all the necessary assistance to allow him to continue his work, in particular by providing for the specialized research assistance required and for the necessary trips to Geneva for consultation with the Centre for Human Rights, and the resources needed for a research mission to the Vatican archives in Rome."

[See chap. II, sect. B, decision 1994/116,
and chap. XVI.]

II. RESOLUTIONS AND DECISIONS ADOPTED BY THE SUB-COMMISSION AT ITS FORTY-SIXTH SESSION

A. Resolutions

1994/1. Situation in Rwanda

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Deeply concerned at the convincing and appalling evidence of the genocide resulting from the massacres of the Tutsis, the political assassinations of the Hutus and the various attacks on human rights in Rwanda,

Conscious that this tragedy is the outcome of policies of discrimination which have divided the people of Rwanda and brought great suffering,

Conscious also of the pernicious role played, both in the past and at the present time, by certain States, groups or individuals in the tragedy of Rwanda,

Convinced of the urgent need to take all requisite steps to put an end to this situation,

1. *Demands* an immediate end to the massacres and sufferings imposed on the people of Rwanda with the complicity of certain States, by proceeding more particularly to rapid and complete disarmament of the militias and extremist elements of the former Rwandese forces which are guilty of these massacres;

2. *Deplores* the fact that the tardy and insufficiently effective intervention of the international community, including the United Nations and its various organs, as well as the Organization of African Unity, did not, when it was still possible, make it possible to prevent the genocide, yet takes note with satisfaction of the humanitarian assistance efforts made, notably within the United Nations system;

3. *Calls* for all measures to be taken to encourage the voluntary return, in complete security, to their homes and lands, of all the Rwandese refugees;

4. *Hopes* that the epidemics, including cholera and dysentery, decimating the people of Rwanda will be contained, with a view to their eradication by all possible means;

5. *Calls* for Rwanda and its people, with the collaboration of the Organization of African Unity, to be given all the help and assistance needed for the establishment of a State governed by the rule of law and for the reconstruction of the country, in conformity with the decisions and the interests of the people of Rwanda;

6. Reminds all States, whether neighbours of Rwanda or others, and the mass media, particularly the radio stations, of their obligation to maintain strict and objective neutrality towards the conflict and to put an immediate end to all propaganda and incitement to ethnic and racial hatred;

7. Calls for action to investigate, identify and establish the responsibilities, both national and international, of the individuals implicated in the war crimes, including the murder of bishops and members of religious communities, crimes against humanity and genocide in the tragedy of Rwanda, for the purpose of punishing those responsible and guaranteeing the victims or their heirs fair and equitable compensation in accordance with the principles of international law;

8. Calls for the adoption of appropriate measures by States which have granted asylum or other refuge to the individuals implicated in the massacres, so that they do not escape justice;

9. Stresses the importance of establishing an international criminal court in order to try the persons responsible for these crimes;

10. Calls the attention of the expert commission set up by the Secretary-General of the United Nations to the need: to inquire into the events which have led to the present situation, including the attack on the plane carrying the Presidents of Burundi and Rwanda, the assassination of the Prime Minister and of Rwandese ministers and dignitaries, as well as of the 10 United Nations soldiers assigned to protect the Prime Minister; to identify the Rwandese and foreign individuals implicated in the arms traffic or other illicit traffic; and to engage as a priority in identifying and finding evidence and establishing the responsibility of the proprietors, management and personnel of the media, especially "Radio Mille Collines", which continue to play a crucial role, by the manipulation of information, in the perpetration and spread of the atrocities;

11. Expresses the hope that effective follow-up will be ensured, in the context of existing United Nations machinery, to the report of the Special Rapporteur on the situation of human rights in Rwanda, which gives an account of the political assassinations and genocide that have taken place in Rwanda.

11th meeting
9 August 1994
[Adopted without a vote. See chap. VII.]

1994/2. A world conference against racism, racial and ethnic discrimination, xenophobia and other related contemporary forms of intolerance

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling the two World Conferences to Combat Racism and Racial Discrimination, held at Geneva in 1978 and 1983,

Welcoming the outcome of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, and, in particular, the attention given to the programme of action for the elimination of racism, racial discrimination, xenophobia and related intolerance,

Noting with grave concern that, despite the efforts of the international community, the principal objectives of the two Decades to Combat Racism and Racial Discrimination have not been attained and that millions of human beings continue to this day to be the victims of varied forms of racism and racial and ethnic discrimination,

Welcoming General Assembly resolution 48/91 of 20 December 1993, whereby the General Assembly decided to proclaim the Third Decade to Combat Racism and Racial Discrimination, beginning in 1993, and to adopt the Programme of Action proposed for the Third Decade,

Bearing in mind the sequence of world conferences programmed by the United Nations to take place before the year 2000,

Recommends to the Commission on Human Rights that, at its fifty-first session, it suggest, through the Economic and Social Council, to the General Assembly, at its fiftieth session, the possibility of convening a world conference against racism, racial and ethnic discrimination, xenophobia and other related contemporary forms of intolerance, to take place in 1997.

17th meeting
12 August 1994
[Adopted without a vote. See chap. VI.]

1994/3. Monitoring the transition to democracy in South Africa

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Welcoming the successful transition to a free, democratic and non-racial South Africa following the all-party elections in April 1994, Desirous of assisting the Government of the new South Africa to attain its legitimate, chosen and established goals of racial harmony and the full realization of economic, social and cultural rights,

Noting with deep satisfaction the historic role of the Commission on Human Rights, the Sub-Commission and the international community over the years, most recently in facilitating the successful democratization of South Africa,

Noting also with satisfaction the report of the Special Rapporteur, Miss Judith Sefi Attah, on her mission to South Africa (E/CN.4/Sub.2/1993/11/Add.1), as well as the recommendations and conclusions contained therein,

Welcoming the invitation by the Government of South Africa to the Special Rapporteur to visit South Africa in the context of the preparation of her second and final report,

1. Takes note of the report of the Special Rapporteur and the recommendations and conclusions contained therein;

2. Requests the Special Rapporteur to submit her second and final report on the steps and measures being taken by the Government of South Africa to:

(a) Eradicate the legacies of apartheid;

(b) Rehabilitate its victims;

(c) Build confidence amongst the communities to promote reconciliation and harmony;

(d) Give effect to the realization and enjoyment of economic, social and cultural rights;

3. Expresses its appreciation to the Government of South Africa for its cooperation with and assistance to the Special Rapporteur in the discharge of her mandate;

4. Requests the Special Rapporteur to present her second and final report to the Commission on Human Rights at its fifty-first session and to the Sub-Commission at its forty-seventh session;

5. Requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary to discharge her mandate, including her visit to South Africa.

17th meeting
12 August 1994
[Adopted without a vote. See chap. VI.]

1994/4. Prevention of discrimination and protection of minorities

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Deeply concerned that the number of reported incidents attributable to racism, racial discrimination and xenophobia and related intolerance has increased,

Disturbed by the widespread occurrence of violent conflicts in many parts of the world where ethnic or religious hostility is engendered and exploited by one or more of the parties to the conflict,

Noting with great interest the valuable report submitted to the Commission on Human Rights at its fiftieth session by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Maurice Glélé-Ahanhanzo (E/CN.4/1994/66),

Recalling its resolution 1993/43 of 26 August 1993, in which it decided to consider at its forty-sixth session the follow-up to be given to the final report presented by Mr. Asbjørn Eide on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities (E/CN.4/Sub.2/1993/34 and Add.1-4), including the feasibility and usefulness of the preparation of a comprehensive programme for the prevention of discrimination and protection of minorities, and entrusted Mr. Eide with the task of preparing a working paper containing suggestions for such a programme,

Noting Commission on Human Rights resolution 1994/22 of 1 March 1994 on the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Having examined in great detail the working paper submitted by Mr. Eide (E/CN.4/Sub.2/1994/36 and Corr.1), as well as the final report presented in 1993,

Convinced of the need to ensure equality and non-discrimination between all groups in society and to find peaceful and constructive solutions to minority situations in accordance with international law,

Taking note of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and convinced that its implementation, in conjunction with the International Convention on the Elimination of All Forms of Racial Discrimination and all other relevant international instruments, provides the best guidance for such endeavours,

Reiterating that all groups should cooperate peacefully in the search for constructive accommodation of their respective concerns within the general framework of international human rights law and should abstain from any use of violence, Emphasizing the need for system-wide cooperation within the United Nations to facilitate peaceful solutions to such situations,

Underlining the significant contributions which are made by the relevant treaty-monitoring bodies, in particular the Committee on the Elimination of Racial Discrimination, the Human Rights Committee and the Committee on the Rights of the Child, to this task,

Aware of the important contributions rendered by the High Commissioner for Human Rights,

Underlining the need for close cooperation between the Sub-Commission and the Commission on Human Rights in this field,

1. Expresses its profound appreciation to the Special Rapporteur, Mr. Asbjørn Eide, for the working paper containing suggestions for a comprehensive programme for the prevention of discrimination and protection of minorities as well as for his final report on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities;

2. Requests the Secretary-General to invite Governments and competent intergovernmental and non-governmental bodies to submit their comments on the recommendations contained in addendum 4 to the final report and to make the comments available at the forty-seventh session of the Sub-Commission;

3. Recommends that the final report be published in all the official languages of the United Nations and that it be given the widest possible circulation;

4. Endorses the proposals made in the working paper for the development by the Sub-Commission of a comprehensive programme to fulfil its dual mandate of prevention of discrimination and protection of minorities;

5. Decides that, beginning at its forty-seventh session, its agenda will include annually an item concerning a comprehensive examination of thematic issues relating to racism, xenophobia, minorities and migrant workers;

6. Recommends, as a first step, that the Commission on Human Rights request the Economic and Social Council to authorize the establishment of an inter-sessional working group of the Sub-Commission to examine, inter alia, peaceful and constructive solutions to situations involving minorities, and in particular to:

(a) Review the practical application of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

(b) Provide recommendations to the Sub-Commission and other competent entities, including the High Commissioner for Human Rights, on further measures for the protection of minorities in cases where the working group finds a risk of the eruption or escalation of violence between different groups in society;

(c) Promote dialogue between minority groups in society and between those groups and Governments;

7. Recommends that the working group should consist of five members of the Sub-Commission and be open to representatives of minorities, regardless of whether they have consultative status with the Economic and Social Council, Governments, treaty-monitoring bodies, specialized agencies and other relevant intergovernmental bodies and non-governmental organizations;

8. Also recommends that the Commission, further to paragraph 12 of Commission resolution 1994/22 of 1 March 1994 and bearing in mind the importance and complexity of the question of the protection of minorities, request the assistance of Mr. Asbjørn Eide, who is an expert in the field of minorities, to prepare an analytical report on minority issues, to submit a preliminary report to the Commission at its fifty-second session and a final report at its fifty-third session, bearing in mind in particular the new developments affecting minorities;

9. Further recommends that the Centre for Human Rights be strengthened to enable it to provide adequate services to the working group and for the purpose of undertaking relevant studies, evaluation and action in this field;

10. Recommends the following draft resolution to the Commission on Human Rights for adoption.

[For the text, see chap. I, sect. A, draft resolution I.]

27th meeting
19 August 1994
[Adopted without a vote. See chap. XIX.]

1994/5. Report of the Working Group on Contemporary Forms of Slavery

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking note of the report of the Working Group on Contemporary Forms of Slavery on its nineteenth session (E/CN.4/Sub.2/1994/33 and Corr.1), and in particular the recommendations contained in chapter VI,

Deeply concerned at the information it contains relating to the traffic in persons and the exploitation of the prostitution of others, the sale of children, child prostitution and child pornography, the exploitation of child labour, debt bondage, the alleged practice of removal of organs and slavery-like practices such as the phenomenon of child soldiers, Noting that the status of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 is still unsatisfactory,

1. Expresses its appreciation to the Working Group on Contemporary Forms of Slavery for its valuable work and in particular for its continued broad approach and flexible methods of work;

I. SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

A. Special Rapporteur on the sale of children, child prostitution and child pornography, including the problem of the adoption of children for commercial purposes

2. Warmly thanks the Special Rapporteur on the sale of children, child prostitution and child pornography, Mr. Vitit Muntarbhorn, for his participation in the nineteenth session of the Working Group and for his comprehensive intervention;

3. Takes note of the information on these problems submitted by the participants at the nineteenth session of the Working Group, and requests the Centre for Human Rights to transmit the information to the Special Rapporteur, along with the recommendations relating to his mandate;

4. Requests the Special Rapporteur, within the framework of his mandate, to continue to pay attention to issues relating to trafficking in children, such as alleged transplantation of organs, disappearances, the purchase and sale of children, adoptions for commercial purposes or exploitation and child prostitution;

5. Invites the Special Rapporteur to participate in the twentieth session of the Working Group;

B. Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography

6. Requests the Secretary-General to invite States to inform the Working Group of measures adopted to implement the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography and to submit a report thereon to the Sub-Commission at its forty-seventh session and to the Commission at its fifty-second session;

7. Encourages all Governments to consider, in the context of the Programme of Action, the creation of programmes aimed at the social rehabilitation of all victims of trafficking, prostitution and pornography, in particular children, and requests international cooperation for establishing and implementing such programmes;

C. Removal of organs from children

8. Requests the Secretary-General to invite again all Governments, United Nations organizations and bodies, including the United Nations Children's Fund, the specialized agencies, in particular the World Health Organization, the International Criminal Police Organization and all relevant non-governmental organizations, including scientific and medical associations, to pursue their investigation of allegations that children are victims of, or are even killed for, the removal of organs for the purposes of commercial transplants and to indicate any measures taken to counteract this practice wherever it exists, and to present a report to the Working Group at its next session;

9. Decides to continue to examine this matter at its forty-seventh session and to consider the advisability of drafting, with the cooperation of the World Health Organization, United Nations standards to ensure protection against unlawful organ transplants;

II. ELIMINATION OF THE EXPLOITATION OF CHILD LABOUR

10. Decides to transmit the report of the Secretary-General on the state of implementation of the Programme of Action on the Elimination of the Exploitation of Child Labour (E/CN.4/Sub.2/1994/34) to the Commission on Human Rights for its consideration;

11. Recommends that the Commission at its fifty-first session endorse the recommendation of the Sub-Commission, contained in its resolution 1993/5 of 5 August 1993, to appoint Ms. H.E. Warzazi as Special Rapporteur on the exploitation of child labour and debt bondage, having regard to the importance of this study;

12. Urges all States, while attempting ultimately to eliminate the phenomenon of child labour, to adopt measures and regulations to protect child labourers and to ensure that their labour is not exploited;

III. ERADICATION OF DEBT BONDAGE

13. Takes note with satisfaction of the promulgation by States of laws against debt bondage, and appeals to the Governments concerned to adopt all measures to implement such laws;

14. Recommends that the specialized agencies and, in particular, the financial institutions of the United Nations system ensure that the projects they support do not use or in any way promote bonded labour;

IV. CHILD SOLDIERS

15. Requests the Secretary-General to transmit to the expert appointed pursuant to General Assembly resolution 48/157 of 20 December 1993 the report of the Working Group and any other information made available on this issue;

V. PREVENTION OF TRAFFIC IN PERSONS AND EXPLOITATION OF THE PROSTITUTION OF OTHERS

16. Recommends that the Commission on Human Rights take into consideration at its fifty-first session and eventually adopt the draft programme of action for the prevention of trafficking in persons and the exploitation of the prostitution of others;

17. Requests the Secretary-General to appeal to the World Tourism Organization to inscribe on the agenda for its next conference an item on sex tourism and its development;

18. Recommends that Governments prohibit advertising which encourages sex tourism, and encourages them to establish specific projects, with the cooperation and financial contribution of the tourism industry, for the protection of the victims of traffic in persons and prostitution from the risk of contamination with the human immunodeficiency virus and the spread of AIDS;

19. Recommends that Governments adopt legislation to punish their citizens who make use of sex tourism when it involves child prostitution and child pornography;

20. Urges States to introduce and reinforce education programmes alerting children to the risks of sexual exploitation and the consequences for individuals and for society of such exploitation;

21. Recommends that States, non-governmental organizations, tourism industry syndicates, religious leaders and grass-roots organizations take urgent measures designed to protect minors from exposure to or involvement in child pornography, and requests the Secretary-General to invite States to provide information on measures taken or already applicable in this regard;

22. Also recommends that national bodies for the prevention of prostitution be established in all States in order to assist in the rehabilitation and reintegration of victims of prostitution;

VI. MIGRANT WORKERS

23. Urges States to ratify the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

24. Strongly condemns practices of unequal treatment of migrant workers and the denial to them of minimum human consideration and dignity;

25. Recommends to non-governmental organizations, in the framework of their activities, to give attention to the grave problems affecting migrant workers and to provide information to the Working Group in this regard;

VII. INCEST

26. Welcomes the decision of the Working Group to include this item in the provisional agenda for the twentieth session and to consider ways to combat incest and the sexual abuse of children, and urges that adequate help be offered to victims of such practices;

27. Urges Member States to take adequate steps to punish suitably the perpetrators of this most heinous offence;

VIII. FORCED LABOUR

28. Considers that forced labour is a contemporary form of slavery;

29. Welcomes the decision of the Working Group to include this item in the provisional agenda for the twentieth session;

IX. MISCELLANEOUS

30. Decides to transmit the information received concerning the sexual exploitation of women and other forms of forced labour during wartime to the Special Rapporteurs on the question of the impunity of perpetrators of violations of human rights, and recommends that the Special Rapporteurs take into consideration the information on this question received by the Working Group during its nineteenth session;

31. Approves the timetable for the twentieth session proposed by the Working Group (E/CN.4/Sub.2/1994/33, chap. VI.B, recommendation 8);

32. Requests the Secretary-General to seek the views and suggestions of Member States and of intergovernmental and non-governmental organizations on proposals for future action of the Working Group with a view to the consideration of their replies by the Working Group at its forthcoming sessions;

33. Appeals to all Governments to send representatives to the meetings of the Working Group;

34. Encourages youth organizations and young persons from various non-governmental organizations to participate in the meetings of the Working Group;

35. Recommends that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, when examining periodic reports of States parties, give particular attention to the implementation of, respectively, articles 8 and 24 of the International Covenant on Civil and Political Rights, articles 10, 12 and 13 of the International Covenant on Economic, Social and Cultural Rights, article 6 of

the Convention on the Elimination of All Forms of Discrimination against Women and articles 32, 34 and 36 of the Convention on the Rights of the Child, and to include in their guidelines an item concerning contemporary forms of slavery;

36. Also recommends that the supervisory bodies of the International Labour Organisation and the Committee on Conventions and Recommendations of the United Nations Educational, Scientific and Cultural Organization give particular attention in their work to the implementation of provisions and standards designed to ensure protection of children and other persons exposed to contemporary forms of slavery, such as the sale of children, child prostitution and child pornography, the exploitation of child labour, bonded labour and the traffic in persons;

37. Requests the Secretary-General to transmit to the committees mentioned above, the Special Rapporteurs concerned and the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights the recommendations of relevance to them contained in the report of the Working Group;

38. Welcomes the decision of the Secretary-General to reassign to the Working Group a Professional staff member of the Centre for Human Rights, as was the case in the past, to work on a permanent basis to ensure continuity and close coordination within and outside the Centre for Human Rights on issues relating to contemporary forms of slavery, prepare documentation well in advance and facilitate the attendance at the Working Group's sessions of the largest possible number of intergovernmental and non-governmental organizations with competence in the fields examined;

39. Again requests the Secretary-General to designate the Centre for Human Rights as the focal point for the coordination of activities and the dissemination of information within the United Nations system for the suppression of contemporary forms of slavery and to report on the measures taken for that purpose to the Commission on Human Rights at its fifty-first session and to the Working Group at its twentieth session;

40. Notes that the Economic and Social Council, in its resolution 1993/48 of 28 July 1993, approved the endorsement by the Commission on Human Rights of the recommendation made by the Sub-Commission in its resolution 1992/2 of 14 August 1992 that arrangements regarding the organization of the sessions of the Working Group on Contemporary Forms of Slavery, as contained in Commission decision 1992/115 of 3 March 1992, be repeated in subsequent years;

41. Recommends that the Commission make provision for adequate discussion of the issue of contemporary forms of slavery and of the Working Group's report near the beginning of each session, thereby strengthening its involvement in the activities of the Working Group on Contemporary Forms of Slavery.

27th meeting
19 August 1994
[Adopted without a vote. See chap. XVII.]

1994/6. United Nations Trust Fund on Contemporary Forms of Slavery

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling General Assembly resolution 46/122 of 17 December 1991,

Taking into account the recommendation made by the Working Group on Contemporary Forms of Slavery at its nineteenth session (E/CN.4/Sub.2/1994/33, pp. 30-31),

1. Thanks the representative of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery for his constructive participation in the proceedings of the Working Group;

2. Appeals to all Governments, governmental and non-governmental organizations, private institutions and individuals to respond favourably to requests for contributions to the Fund, and urges them to publicize the establishment and function of the Fund, so as to increase general awareness of its existence;

3. Considers it essential, in order to make the Trust Fund more effective, that the General Assembly consider amending the criteria for the Fund contained in its resolution 46/122 of 17 December 1991, in order to clarify the purposes of the Fund by reprioritizing them and, consequently, to reprioritize the potential beneficiaries, by reversing the order of subparagraphs 1 (e) (i) and 1 (e) (ii) of resolution 46/122;

4. Recommends that the Commission on Human Rights endorse the recommendation of the Sub-Commission described in paragraph 3 of the present resolution;

5. Requests the Secretary-General to study ways and means to draw the attention of potential donors to the important role played by the Fund and to mention on the list of donors both public and private donors;

6. Invites a representative of the Fund to attend the twentieth session of the Working Group on Contemporary Forms of Slavery.

27th meeting
19 August 1994
[Adopted without a vote. See chap. XVII.]

1994/7. Machinery for monitoring the international conventions on slavery

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1993/7 of 20 August 1993,

Noting paragraphs 3, 4, 5 and 6 of Commission on Human Rights resolution 1994/25 of 4 March 1994,

1. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, Sect. B, draft decision 4.]

27th meeting
19 August 1994
[Adopted without a vote. See chap. XVII.]

1994/8. Children and the right to adequate housing

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the recognition and legal foundations of the right to adequate housing in, inter alia, the Universal Declaration of Human Rights (art. 25, para. 1), the International Covenant on Economic, Social and Cultural Rights (art. 11, para. 1), the Convention on the Elimination of All Forms of Racial Discrimination (art. 5 (e) (iii)) and the Convention on the Rights of the Child (art. 27, para. 3),

Recalling also resolution 1992/10 of 21 February 1992 of the Commission on Human Rights, in which it took note with particular interest of General Comment No. 4 (1991) on the right to adequate housing (E/1992/23, annex III) adopted by the Committee on Economic, Social and Cultural Rights at its sixth session, resolution 1993/77 of 10 March 1993 entitled "Forced evictions" and resolution 1994/14 of 25 February 1994 entitled "Promoting the realization of the right to adequate housing", adopted without a vote by the Commission on Human Rights at its forty-ninth and fiftieth sessions respectively,

Recalling further its resolutions 1991/12 of 26 August 1991, 1992/14 of 27 August 1992 and 1993/41 of 26 August 1993, entitled "Forced evictions",

Conscious that one of the areas where the indivisibility and interdependence of human rights and of the rights of children become most apparent is with respect to the existence of widespread poverty leading to inadequate housing and living conditions, Aware of the worsening situation around the world of the living conditions of children and of the fact that tens of millions of children are being forced to live in the streets, in slums and on pavements, and that this number is growing daily,

Concerned at the especially adverse living conditions of children belonging to vulnerable groups, including indigenous people and ethnic, racial, religious and other minorities,

Deeply concerned at the particularly adverse effects of forced evictions on the health, well-being and development of children,

Stressing in general the adverse impact of poverty, and in particular of inadequate living and housing conditions, on the realization of the basic rights of children, including the right to food, to health, to education and the right to birth registration,

Stressing also that the various competent supervisory mechanisms, including the Committee on the Rights of the Child, as well as the specialized agencies of the United Nations system, need to focus more on the impact of inadequate living and housing conditions on the realization of the economic, social and cultural rights of children and their families in all parts of the world,

1. Reminds Governments to comply to the maximum extent of available resources with all existing obligations concerning the legally recognized rights of children to an adequate standard of living and the continuous improvement of living and housing conditions;

2. Recognizes the importance in this regard of international cooperation and the need for cooperation between Governments, non-governmental organizations and international agencies;

3. Recommends that the Special Rapporteur on the promotion of the realization of the right to adequate housing devote special attention in his final report, to be submitted in 1995, on the impact that violations of the right to adequate housing have on the realization of the full range of the rights of the child;

4. Also recommends that all relevant special rapporteurs, in particular the Special Rapporteurs on extreme poverty and on population transfer, take into account the question of the housing rights of children and their families in the preparation of their reports;

5. Requests the Committee on the Rights of the Child to give special attention to the issue of the housing rights of children and their families when examining States parties' reports and to consider developing appropriate indicators to assess the state of children's housing and living conditions;

6. Also requests the Committee on the Rights of the Child to consider devoting a day of general discussion to the impact of poverty and inadequate living and housing conditions on the economic, social and cultural rights of children;

7. Invites the United Nations Children's Fund to consider including, in its publications The State of the World's Children and The Progress of Nations, a separate section on the state of children's housing rights and to support actively local, national and international initiatives aimed at improving children's living and housing conditions;

8. Requests the specialized agencies and organizations and bodies of the United Nations system to devote special attention to the issue of children and housing rights in their policies, programmes and publications, and to develop and promote the application of reliable indicators to assess the state of children's housing rights;

9. Urges the international financial institutions, in particular the World Bank and the International Monetary Fund, to take fully into account the human rights implications for children of their policies, in particular structural adjustment programmes and the funding of large-scale development projects;

10. Requests Governments, the specialized agencies and organizations and bodies of the United Nations system to develop effective strategies for rapidly improving the housing and living conditions of children throughout the world, in full consultation with and with the full participation of children themselves, their representatives and community-based non-governmental and other relevant groups;

11. Decides to review the matter of children and the right to adequate housing at its forty-seventh session, under the relevant agenda item.

27th meeting
19 August 1994
[Adopted without a vote. See chap. XVIII.]

1994/9. Situation of children deprived of their liberty

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the Convention on the Rights of the Child,

Mindful of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules"), the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, as well as of the Standard Minimum Rules for the Treatment of Prisoners,

Recalling its resolution 1992/25 of 27 August 1992 and Commission on Human Rights resolution 1993/80 of 10 March 1993 entitled "Application of international standards concerning the human rights of detained juveniles", in which concern was expressed that, because of the great vulnerability of juveniles to various forms of abuse, neglect and injustice and the profound and indelible impact of such traumatic experiences on their developing personalities, violations of the human rights of detained juveniles had serious and far-reaching consequences for the juveniles concerned and for society,

Conscious of its responsibility to contribute to the promotion and encouragement of respect for the rights of children,

Reiterating its deep concern about the situation of children deprived of their liberty and the violation of their fundamental human rights, in particular the deprivation of their rights to life, physical integrity and security of person, humane treatment, and separation from adult criminals in prison establishments,

1. Invites the Committee on the Rights of the Child to give priority to an in-depth examination of the topic "Situation of children deprived of their liberty";

2. Urges all the relevant human rights treaty monitoring bodies, the United Nations Children's Fund, the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization and the International Criminal Police Organization, Governments, and other intergovernmental and non-governmental organizations to give particular attention in their work to the grave situation of children deprived of their liberty and to the implementation of provisions and standards designed to ensure their protection;

3. Requests the Secretary-General to submit to the Sub-Commission at its forty-seventh session a note on the situation of children deprived of their liberty under the agenda sub-item entitled "Prevention of discrimination and protection of children: human rights and youth".

27th meeting
19th August 1994
[Adopted without a vote. See chap. XVIII.]

1994/10. Human rights and disability

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1993/22 of 20 August 1993 and the reference therein to the 1993 Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, which reaffirm that persons with disabilities should be guaranteed equal opportunity through the elimination of all barriers, be they physical, financial, social or psychological, which exclude or restrict full participation in society,

Noting the report prepared by the Secretary-General (E/CN.4/Sub.2/1994/35) pursuant to the request of the Sub-Commission in resolution 1993/22 for information on the coordination endeavours, and their results, undertaken by the various United Nations organs and bodies concerned with the protection of disabled persons and the discussion in that report of monitoring work expected to be undertaken by both the new special rapporteur and the Commission for Social Development, regarding the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex),

Noting also that the Commission on Human Rights, in its resolution 1994/27 of 4 March 1994, reaffirmed its commitment to ensuring that the rights of persons with disabilities and their concern for full participation in community affairs continue to be addressed in all of its work,

Recognizing that the Standard Rules in themselves do not contain legal clauses that obligate States to respect pertinent provisions of the International Bill of Human Rights and other human rights instruments, such as the Convention on the Rights of the Child,

Mindful of its continuing responsibility, under Commission on Human Rights resolution 8 (XXIII) and Economic and Social Council resolution 1235 (XLII), to study, each year, situations which reveal a consistent pattern of violations of human rights and fundamental freedoms set out in the International Bill of Human Rights and in pertinent United Nations treaties,

1. Requests the Secretary-General to report in 1995 to the Sub-Commission regarding coordination endeavours which affect disabled persons, with emphasis on activities of the other United Nations organizations and bodies that deal with alleged violations of the legal obligations of States under the International Bill of Human Rights and United Nations treaties that protect disabled persons;

2. Also requests the Secretary-General, in response to the concern of the General Assembly expressed in resolution 48/99 of 20 December 1993 regarding the need to give higher priority and visibility to disability issues, to help ensure, first, a wider distribution of the report of the Special Rapporteur, Mr. Leandro Despouy entitled Human Rights and Disabled

Persons (United Nations publication, Sales No. E.92.XIV.4) and, second, an expanded discussion of juridical aims that might be achieved were there appropriate exercise of the Ombudsman function briefly described in that report (para. 281 (b));

3. Decides to remain seized of the question and to consider it at its forty-seventh session under the same agenda item.

27th meeting
19 August 1994
[Adopted without a vote. See chap. XVIII.]

1994/11. Strengthening the prevention and punishment of the crime of genocide

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Considering that, in accordance with the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948, genocide, as a crime under international law, is a crime against humanity,

Recalling that, as pointed out in the Convention, at all periods of history genocide has inflicted great losses on humanity,

Noting that this evil is continuing in our time with equal intensity, as is shown by the atrocities being committed in the former Yugoslavia and in Rwanda,

Considering that this situation highlights the deficiencies of the Convention, which, although it was ratified by the majority of the States Members of the United Nations has never been enforced effectively,

Regretting therefore that, since the international penal tribunal provided for in article VI of the Convention has never actually been set up, the Convention leaves to the accused State alone the responsibility of punishing genocide,

Bearing in mind, in addition to the work of the International Law Commission concerning the statute for an international criminal court, the recommendations made by the Special Rapporteur of the Sub-Commission, Mr. Benjamin Whitaker, in his second report (E/CN.4/Sub.2/1985/6 and Corr.1),

1. Recommends that the Commission on Human Rights request the General Assembly to consider with high priority, with a view to its adoption, the draft statute for an international criminal court that has just been submitted to it by the International Law Commission aiming in particular at the punishment of genocide;

2. Requests the States parties to the Convention on the Prevention and Punishment of the Crime of Genocide, by virtue of the faculty granted to them by article VIII of the Convention on the Prevention and Punishment of the Crime of Genocide, to encourage - or even undertake - the drafting and adoption of a control mechanism in the form of a treaty committee charged in particular with monitoring compliance of States parties with the commitments which they undertook in accordance with article V of the Convention, through the assessment of the reports submitted by the States parties and, on a preventive basis, to draw the attention of the High Commissioner for Human Rights to situations which may lead to genocide;

3. Recalls that, pursuant to article V of the Convention, the Contracting Parties must enact the necessary legislation to give effect to the provisions of the Convention, and, in particular, to provide effective penalties for persons guilty of genocide;

4. Decides to examine the conditions under which the Convention could be improved by including a clause concerning universal jurisdiction in order to take into account the international character of this crime and also to study the possibility of extending its application, which has until now been limited to ethnic, racial or religious genocide, to political genocide.

34th meeting
25 August 1994
[Adopted without a vote. See chap. XIX.]

1994/12. The situation of the Greek ethnic minority in Albania: infringement of the rules for a fair trial

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, as well as the Basic Principles on the Independence of the Judiciary,

Recalling, in particular, the provisions of articles 3, 5, 6, 7, 8, 9, 10 and 11 of the Universal Declaration of Human Rights, articles 6, 7, 9, 10, 14, 15, 16 and 17 of the International Covenant on Civil and Political Rights and the relevant provisions of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Disturbed by the alleged violation of human rights and persecution of members of the Greek ethnic minority in Albania,

Noting with satisfaction the efforts by the High Commissioner for National Minorities of the Conference on Security and Cooperation in Europe to facilitate a solution to the conflict,

1. Calls upon the Government of Albania to abide by the relevant provisions of the above-mentioned international human rights instruments, to take immediately every measure to ensure that the charged persons receive a fair trial and to complete the proceedings of their trial in accordance with the accepted principles of the administration of justice;

2. Requests the Secretary-General to transmit, as soon as possible, the present resolution to the Government of Albania.

34th meeting
25 August 1994
[Adopted by secret ballot by 11 votes to 7,
with 5 abstentions. See chap. VII.]

1994/13. Situation in the Middle East

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Noting General Assembly resolution 48/58 of 14 December 1993, Commission on Human Rights resolution 1994/4 of 18 February 1994 and Economic and Social Council resolution 1994/44 of 29 July 1994,

Recalling the convening of the International Peace Conference on the Middle East at Madrid on 30 October 1991, on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, and the subsequent bilateral negotiations, as well as the meetings of the multilateral working groups,

Noting with satisfaction the broad international support for the peace process and its contribution to the implementation and furtherance of human rights in the area,

Welcoming the Declaration of Principles on Interim Self-Government Arrangements, signed by the Government of Israel and the Palestine Liberation Organization in Washington, D.C., on 13 September 1993, and the subsequent agreement on the Gaza Strip and the Jericho area, signed by the Government of Israel and the Palestine Liberation Organization, the representative of the Palestinian people, at Cairo on 4 May 1994,

1. Reaffirms that the achievement of a comprehensive, just and lasting peace in the Middle East is essential for the implementation and furtherance of human rights and fundamental freedoms in the area;

2. Welcomes the peace process begun at Madrid and warmly supports the subsequent bilateral negotiations through which it has been continued;

3. Endorses the achievements of the peace process to date, which constitute important initial steps in achieving a comprehensive, just and lasting peace in the Middle East, and urges all parties to implement the agreements which have been reached;

4. Emphasizes the importance of making progress, as a matter of urgency, on the other tracks of the Arab-Israeli negotiations within the peace process;

5. Supports the request by the Economic and Social Council that all States Members of the United Nations render support for the peace process and extend economic, financial and technical assistance to parties in the region, taking into account, in particular, the needs of the Palestinian people during the interim period;

6. Expresses its full support for the active role which the United Nations is playing in the peace process, and in particular for its assistance in implementing the Declaration of Principles of Interim Self-Government Arrangements signed by the State of Israel and the Palestine Liberation Organization which constitutes a positive contribution to the protection of human rights in the Middle East.

34th meeting
25 August 1994
[Adopted without a vote. See chap. VII.]

1994/14. Situation of human rights in Iraq

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23), endorsed by the General Assembly in its resolution 48/121 of 20 December 1993, and in particular part I, paragraph 1, which reaffirms, inter alia, that human rights and fundamental freedoms are the birthright of all human beings and that their protection and promotion is the first responsibility of Governments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that Iraq is a party to the International Covenants on Human Rights and to other human rights instruments,

Recalling Security Council resolution 688 (1991) of 5 April 1991, in which the Council demanded an end to the repression of the Iraqi civilian population and insisted that Iraq cooperate with humanitarian organizations to ensure that the human and political rights of all Iraqi citizens were respected, _Recalling also_ Security Council resolutions 706 (1991) of 15 August 1991 and 712 (1991) of 19 September 1991,

Mindful that the United Nations has not yet sent a fact-finding mission to the marshlands region of southern Iraq,

Recalling in particular its resolution 1993/20 of 20 August 1993, in which it condemned the violations of human rights by the Government of Iraq and urged the implementation of Security Council resolution 688 (1991) of 5 April 1991, in which the Council demanded an end to the repression of the Iraqi civilian population,

Deeply concerned by recent information that the population continues to flee the marshlands region, that thousands of Arab Shiah have sought refuge on the border between Iraq and the Islamic Republic of Iran because of artillery bombardment and the programme undertaken by the Iraqi Government to drain the southern marshlands, and that, in July 1994, over 1,300 women and children arrived at the border in a miserable condition, especially regarding health, and have received no assistance from the international community,

Deeply concerned also by the continued massive repression of the Arab Shiah population in the south of Iraq, particularly those who are under siege by the Iraqi armed forces there,

Disturbed by the possibility of a continued exodus of these populations, both to the border area and within Iraq itself,

Concerned that the electricity supply to large cities in Iraqi Kurdistan in the north has been cut off since August 1993, and that recently the electricity supply to large cities in the south has been reduced to two hours daily, causing more suffering for the population,

Deeply concerned about the continuing terrorist acts of the Iraqi Government, both inside and outside the country, against opposition leaders and United Nations personnel,

Deeply concerned also that Iraq still refuses to cooperate with the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq, Mr. M. van der Stoel, and to permit him to visit Iraq to investigate human rights violations and refuses categorically to introduce a monitoring system, as had twice been requested by the General Assembly and the Commission on Human Rights,

Recalling the report of the Special Rapporteur on the situation of human rights in Iraq (E/CN.4/1994/58), in which he notes the continued massive and grave violations of human rights by the Government of Iraq, such as summary and arbitrary executions, torture and other cruel, inhuman or degrading treatment, enforced or involuntary disappearances, arbitrary arrest and detention, lack of due process and the rule of law and of freedom of thought, expression and association, as well as the existence of specific and serious discrimination within the country in terms of access to food and health care, Noting that many international organizations and media have described the negative impact of the international embargo on the civilian population, especially the most vulnerable groups,

Deeply concerned by the internal embargo maintained by the Government against the Kurdish population in the north of Iraq and the Arab Shiah population in the southern marshlands,

1. Expresses its concern at the exceptional gravity of the human rights situation in Iraq and, therefore, welcomes the proposal of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq, contained in his report (E/CN.4/1994/58), that human rights monitors be deployed;

2. Calls upon the Government of Iraq immediately to halt its artillery bombardment, to cease all draining schemes and destruction of the marshes and to lift the internal embargo imposed in October 1991 on the populations of the marshlands;

3. Appeals once again to the international community as a whole and to all Governments, including that of Iraq, to facilitate the supply of food and medicines to the civilian population;

4. Calls upon the Government of Iraq to cease its internal embargo against the north and the Shiah populations in the south, both areas which are still under siege, and to re-establish the electricity supply to both regions;

5. Also calls upon the Government of Iraq to cease its terrorist acts against opposition leaders and United Nations personnel;

6. Further calls upon the Government of Iraq to abide by Security Council resolutions 706 (1991) of 15 August 1991 and 712 (1991) of 19 September 1991, which permit the Government of Iraq to sell oil to finance humanitarian assistance for the Iraqi people;

7. Requests the United Nations humanitarian organizations concerned to speed up the delivery of aid to the persons who have sought refuge on the border between Iraq and the Islamic Republic of Iran, and to ensure that their food and medical needs are satisfied;

8. Urges the Special Rapporteur on the situation of human rights in Iraq to visit the border and the marshlands and to report his findings to the General Assembly;

9. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur to undertake his mission;

10. Also requests the Secretary-General to call upon the Government of Iraq to cooperate with the Special Rapporteur;

11. Urges the implementation of Security Council resolution 688 (1991) of 5 April 1991 and of the recommendations of the Special Rapporteur to station permanent monitors in the area of the marshlands and establish permanent aid centres;

12. Condemns the violation of human rights by the Government of Iraq and decides to keep the situation of human rights in Iraq under review at future sessions of the Sub-Commission.

35th meeting
25 August 1994
[Adopted by secret ballot by 14 votes to 7,
with 3 abstentions. See chap. VII.]

1994/15. Violation of the human rights of staff members of the United Nations system and other persons acting under the authority of the United Nations

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Gravely concerned that staff members of the United Nations system and other persons acting under the authority of the United Nations continue to be detained, unaccounted for, threatened or subjected to other violations of their fundamental rights contrary to the Charter of the United Nations and other international instruments,

Particularly preoccupied by the increasing number of peace-keepers and peace-makers, civilian staff, both international and local, being killed during various United Nations missions,

Recalling the relevant resolutions on this subject, in particular General Assembly resolutions 45/240 of 21 December 1990 and 47/28 of 25 November 1992, Commission on Human Rights resolutions 1991/37 of 5 March 1991, 1992/26 of 28 February 1992, 1993/39 of 5 March 1993 and 1994/42 of 4 March 1994 and Sub-Commission resolutions 1990/20 of 30 August 1990, 1991/17 of 28 August 1991 and 1992/24 of 27 August 1992,

Recalling once again the recommendations contained in the report of the Special Rapporteur, Ms. Mary Concepcion Bautista (E/CN.4/Sub.2/1992/19), aiming at improving the protection of personnel of the United Nations system and their families, as well as of experts and consultants,

Referring to the proposals contained in the report of the Secretary-General of 27 August 1993 on the security of United Nations operations (A/48/349-S/26358),

Aware that human rights violations of its personnel can only have a negative effect on the implementation of the mandates of the organizations and bodies of the United Nations system, especially at a time when the United Nations is undertaking greater responsibilities and sending difficult missions to various parts of the world, Greatly appreciating the efforts of the Secretary-General to promote a satisfactory resolution of all cases of this kind, and noting with interest Security Council resolution 868 (1993) of 29 September 1993 in which the Council urged States and parties to a conflict to cooperate closely with the United Nations to ensure the security of United Nations forces and personnel,

Recalling the Advisory Opinion of the International Court of Justice of 1949 on the responsibility of Member States for the security of United Nations staff members,

Taking note with satisfaction of General Assembly resolution 48/37 of 9 December 1993, in which the Assembly decided to establish an ad hoc committee, open to all Member States, to elaborate an international convention dealing with the safety and security of United Nations and associated personnel, with particular reference to responsibility for attacks on such personnel,

1. Urges again Governments and other entities holding de facto territorial power to respect and to ensure respect for the rights of staff members and other persons acting under the authority of the United Nations, as well as of their families, and to take the necessary measures to ensure the protection of United Nations and associated personnel in their territory;

2. Requests the Secretary-General to continue his efforts to ensure that the human rights, privileges and immunities of the personnel of the United Nations system, including experts and their families, are fully respected and to seek redress and compensation for the damage caused to them and to their organizations, as well as their full reintegration and re-education;

3. Also requests the Secretary-General to take steps to ensure the implementation of the recommendations contained in the report of the Special Rapporteur of the Sub-Commission, Ms. Mary Concepcion Bautista, on the protection of the human rights of United Nations staff members, experts and their families (E/CN.4/Sub.2/1992/19), as well as of the proposals made in his report of 27 August 1993 on the security of United Nations operations (A/48/349-S/26358);

4. Urges Governments and other entities holding de facto territorial power, in accordance with the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment adopted by the General Assembly in its resolution 43/173 of 9 December 1988, to provide adequate and prompt information concerning the arrest or detention of United Nations staff members and their families, and to grant the representative of the competent international organization access to them without delay;

5. Calls upon the existing human rights mechanisms, such as the Working Group on Arbitrary Detention, the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on the question of torture and the Special Rapporteur on extrajudicial, summary or arbitrary executions, to examine the cases involving the human rights of staff members of the

United Nations system and of their families, as well as of experts and consultants, and to transmit the relevant part of their respective reports to the Secretary-General for him to include in his report to the Commission on Human Rights;

6. Welcomes the decision of the General Assembly, contained in its resolution 48/37 of 9 December 1993, to establish an ad hoc committee to elaborate an international convention dealing with the safety and security of United Nations and associated personnel, with particular reference to responsibility for attacks on such personnel, and expresses the hope that this convention will be adopted as soon as possible;

7. Recommends that the Commission on Human Rights continue to keep under review the human rights situation of staff members of the United Nations system and other persons acting under the authority of the United Nations.

35th meeting
25 August 1994
[Adopted without a vote. See chap. VII.]

1994/16. Situation of human rights in the Islamic Republic of Iran

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its relevant resolutions, including the most recent, resolution 1993/14 of 23 August 1993, calling for an end to the violation of human rights by the Islamic Republic of Iran,

Recalling also relevant resolutions of the Commission on Human Rights, including the most recent, resolution 1994/73 of 9 March 1994, as well as those of the General Assembly, including the most recent, resolution 48/145 of 20 December 1993,

Deeply concerned at extensive and continuing human rights violations by the Government of the Islamic Republic of Iran, including arbitrary and summary executions, torture and inhuman and degrading treatment and punishment, arbitrary arrests and imprisonment, unexplained disappearances, the absence of guarantees essential for the protection of the right to a fair trial and disregard for freedom of expression and freedom of religion,

Shocked by the systematic repression of the Baha'i community and at the situation of the Iranian Kurds and the Arab minority in Iran, and at increasing intolerance towards Christians, including recent murders of Christian religious ministers,

Appalled at the continued repression of women in the Islamic Republic of Iran, including the practice of gender-based discrimination and the use of unacceptable and unjustifiable means of punishment, *Aware* of the mounting concern expressed by the authorities of a number of States at the involvement in, and support for, international terrorism by the Islamic Republic of Iran, causing the loss of many lives, and the call by those authorities for action against the Islamic Republic,

Reaffirming that Governments are accountable for attacks by their agents against persons on the territory of another State, and also for inciting, approving or condoning such acts,

Welcoming the recommendations contained in the report of the Special Representative of the Commission on Human Rights (E/CN.4/1994/50) and the decision of the Commission to continue the Special Representative's mandate,

Expressing its profound regret that the Government of the Islamic Republic of Iran has refused to allow the Special Representative of the Commission to make a further visit to Iran,

Also regretting that the Government of the Islamic Republic of Iran refuses to implement existing agreements with international humanitarian organizations,

Affirming that human rights are universal and indivisible and that the violation of internationally recognized human rights standards cannot be justified by cultural or religious considerations,

1. *Endorses* the call by the Special Representative of the Commission on Human Rights for the Government of the Islamic Republic of Iran to address the issues covered in his report (E/CN.4/1994/50) and to take urgent and effective action to improve its record in the field of human rights;

2. *Condemns* the flagrant violations of human rights in the Islamic Republic of Iran which, as noted by the Special Representative of the Commission, include:

(a) Excessive use of the death penalty;

(b) Numerous cases of torture and cruel, inhuman or degrading treatment and punishment;

(c) A failure to meet international standards with regard to due process and the administration of justice;

(d) Religious discrimination, notably against the Baha'is and Christian individuals and groups;

(e) Discrimination against women;

(f) Restrictions on freedom of expression and freedom of opinion and undue limitation of freedom of the press;

(g) The use of excessive force in suppressing public demonstrations, as at Ghazvin, followed in some cases by execution without due process of persons involved in such demonstrations, notably at Zahedan;

3. Demands that the Government of the Islamic Republic of Iran cease forthwith any involvement in or toleration of murder and State-sponsored terrorism against Iranians living abroad and the nationals of other States;

4. Also demands that the Government of the Islamic Republic of Iran withdraw its support for and condoning of repeated threats to the lives of persons of whose opinions, writings or publications it disapproves;

5. Calls upon the Government of the Islamic Republic of Iran to cooperate with the judicial authorities in countries around the world which are investigating incidents of international terrorism, and in particular to return for trial in Switzerland two persons accused of the murder of Professor Kazem Rajavi who were returned to the Islamic Republic of Iran and who are sought by the Swiss judicial authorities;

6. Urges the Government of the Islamic Republic of Iran to comply with all current international norms in the field of human rights, including in particular those contained in the International Covenant on Civil and Political Rights, to which the Islamic Republic of Iran is a party;

7. Strongly supports the view of the Commission on Human Rights that the international monitoring of the human rights situation in the Islamic Republic of Iran should be continued;

8. Requests the Secretary-General to continue to keep the Sub-Commission informed of relevant reports and United Nations measures to prevent human rights violations in the Islamic Republic of Iran, including, in particular, those concerning the situation of the Kurds and the Arab minority and the religious freedoms of the Baha'i and Christian communities in Iran;

9. Decides to consider further the situation of human rights in the Islamic Republic of Iran at its forty-seventh session.

35th meeting
25 August 1994
[Adopted by secret ballot by 15 votes to 6,
with 3 abstentions. See chap VII.]

1994/17. Situation in Burundi

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles embodied in the Charter of the United Nations, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, *Reaffirming* that all Member States have the right and duty to promote and protect human rights and to discharge the obligations set out in the various applicable instruments,

Emphasizing that Burundi is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Recalling Commission on Human Rights resolution 1994/86 of 9 March 1994,

Taking note of decision 2 (45) on the situation in Burundi adopted by the Committee on the Elimination of Racial Discrimination on 16 August 1994,

Regretting the adverse effects of local mass media reports which foster racial hatred and violence,

Having examined with interest the comments of the Human Rights Committee at its fifty-first session (CCPR/C/79/Add.41),

Seriously concerned by forcible transfers of people and the massive exodus of people from Burundi beyond the frontiers, causing the loss of agricultural production and thus risking major nutritional problems,

Emphasizing the need to reinforce preventive measures to halt the deterioration of the situation, where this is still possible,

Convinced that the impunity enjoyed by the perpetrators of gross and massive human rights violations, such as the assassination of the President of the Republic on 21 October 1993, the massacres of innocent civilians at the instigation of some government officials and the subsequent repression by the army using, in many instances, excessive force, provokes an unending cycle of acts of collective vengeance,

1. *Requests* the establishment, by independent bodies, of the individual responsibility of those involved in the commission of those crimes, coupled with the punishment of those individuals;

2. *Encourages* the efforts of the High Commissioner for Human Rights, the Centre for Human Rights and non-governmental organizations to accelerate the establishment of a programme of assistance in Burundi in order that the current situation of massive violations of human rights does not prevent the application of preventive measures to halt the deterioration of the situation;

3. *Welcomes* the conclusion of the Human Rights Committee in which it stated that it was ready to respond constructively to any appropriate request for assistance made by the Government of Burundi, provided that it is clear and accompanied by a firm resolve on the part of the Government to adopt the measures necessary for the effective implementation of the Covenant (CCPR/C/79/Add.41, para. 18);

4. Places all its facilities at the disposal of the Centre for Human Rights;

5. Expresses the fear that the prevailing situation of massive human rights violations in Burundi could impede the implementation of the measures of assistance;

6. Urges the authorities of Burundi to make fully effective all measures necessary to carry out an inquiry into summary and arbitrary executions, to punish those responsible, to disarm the population and to repress all forms of encouragement of racial hatred and to plan the establishment of an independent multi-party commission to make recommendations for the application of these measures;

7. Expresses the hope that an initial mission, having as its main objective the bringing of assistance to Burundi, will be appointed by the Secretary-General of the United Nations and that, as a preventive measure, the Secretary-General will have recourse to the competent organs of the United Nations;

8. Calls on the Special Representative of the Secretary-General for Burundi, the High Commissioner for Human Rights, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Commission on Human Rights to invite the competent authorities to strengthen their surveillance of the human rights situation in Burundi, sending out observers with a view to preventing any re-emergence of violence;

9. Appeals to the moderate forces in the main political parties of Burundi to work together to alleviate ethnic tension in the country by resolving the constitutional crisis on the basis of the rule of law and respect for human rights.

35th meeting
25 August 1994
[Adopted without a vote. See chap. VII.]

1994/18. Human rights and terrorism

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Bearing in mind that the most essential and basic human right is the right to life,

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights, Recalling also General Assembly resolution 48/122 of 20 December 1993, Commission on Human Rights resolution 1994/46 of 4 March 1994 and its own resolution 1993/13 of 20 August 1993,

Reiterating its deep concern at the persistence of acts of terrorism and the gross violations of human rights perpetrated by terrorist groups,

Profoundly deploring the increasing number of innocent persons killed, massacred and maimed by terrorists in indiscriminate and random acts of violence and terror, which cannot be justified under any circumstances,

1. Reiterates its unequivocal condemnation of all acts, methods and practices of terrorism as human rights violations aimed at the destruction of fundamental freedoms and democracy, threatening the territorial integrity and security of States, destabilizing legitimately constituted Governments, undermining pluralistic civil society and having adverse consequences on the economic and social development of States;

2. Calls upon Governments to take all necessary and effective measures, in conformity with international standards of human rights, to prevent, combat and eliminate terrorism, and urges the international community to enhance cooperation in the fight against terrorism at the national, regional and international level;

3. Decides, in accordance with Commission on Human Rights resolution 1994/46, to entrust Mr. Saïd Naceur Ramadhane with the task of preparing, without financial implications, a working paper on the question of terrorism and human rights, to be considered at its forty-seventh session.

35th meeting
25 August 1994
[Adopted without a vote. See chap. VII.]

1994/19. Situation of human rights in Chad

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles embodied in the Charter of the United Nations, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Reaffirming that all Member States have the right and duty to promote and protect human rights and to fulfil the obligations set out in the various applicable instruments,

Recalling its resolution 1993/10 of 20 August 1993,

Also recalling that Chad has ratified the African Charter of Human and Peoples' Rights, Taking into account the fact that the democratization process has started in Chad,

Insisting that there is still room for press freedom,

Concerned, however, by the delays in implementing the majority of the measures relating to the human rights contained in the programme of the transitional Government,

Deeply concerned by the flagrant systematic violations of human rights in Chad, especially by massive summary and extrajudicial executions, by enforced disappearances and arbitrary detentions, of which human rights militants in particular are victims, and by the impunity enjoyed by those responsible for violations of human rights,

1. Strongly condemns the massive and persistent human rights violations in Chad committed by the armed and security forces, including the Republican Guard;

2. Requests the Chad authorities to put into effect measures to promote human rights and fundamental liberties, particularly by applying the proposals set out in the programme of the transitional Government;

3. Calls on the Commission on Human Rights at its fifty-first session to decide to establish a monitoring system for the general human rights situation in Chad, with a view to examining the question at its fifty-second session;

4. Decides to keep this question on the agenda at its forty-seventh session.

35th meeting
25 August 1994
[Adopted by secret ballot by 18 votes to 6,
with 1 abstention. See chap. VII.]

1994/20. Situation of human rights in Togo

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles embodied in the Charter of the United Nations, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Reaffirming that all Member States have the right and duty to promote and protect human rights and to discharge the obligations set out in the various applicable instruments, Pointing out that Togo is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and of the African Charter of Human and Peoples' Rights,

Recalling Commission on Human Rights resolution 1994/78 of 9 March 1994,

Having considered with interest the comments of the Human Rights Committee at its fifty-first session (CCPR/C/79/Add.36),

Very concerned by the serious obstacles to the democratization process and seeking to encourage its development with full respect for human rights and fundamental freedoms,

Deeply concerned in this connection by the persistent gravity of the situation of human rights in Togo, particularly by the summary or extrajudicial executions, arbitrary arrests or detentions and by torture and other cruel, inhuman or degrading treatment, for which the armed and security forces are largely responsible,

Recalling the impunity enjoyed by those who commit human rights violations, particularly because of serious failings in the legal system, especially the lack of independence and impartiality of the judiciary,

Concerned by the serious attacks on freedom of the press,

Pointing out that the situation described above is a serious setback to the rule of law in Togo,

1. Strongly condemns the massive and persistent violations of human rights in Togo;

2. Requests the Togolese authorities to adopt all measures necessary to end the impunity enjoyed by those responsible for breaches of human rights;

3. Calls upon the Commission on Human Rights to appoint, at its fifty-first session, a special rapporteur with the mandate of reporting on the human rights situation in Togo.

35th meeting
25 August 1994
[Adopted by secret ballot by 20 votes to 4,
with 1 abstention. See chap. VII.]

1994/21. Situation in Bougainville

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1992/19 of 27 August 1992 concerning the protection and promotion of human rights in Bougainville,

Recalling also resolutions 1993/76 of 10 March 1993 and 1994/81 of 9 March 1994 of the Commission on Human Rights on the same subject,

Mindful of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment and the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions,

Acutely conscious of the report of the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions, (E/CN.4/1994/7) according to which a large number of human rights violations, including extrajudicial, summary and arbitrary executions, had occurred in Bougainville since April 1991 in the context of the ongoing armed conflict between the Defence Forces of Papua New Guinea and the Bougainville Revolutionary Army,

Aware that in April 1994 an Australian Parliamentary delegation visited Bougainville, but was denied access to significant parts of the island by the Government of Papua New Guinea,

Deeply concerned at reports that the Defence Forces of Papua New Guinea continue to violate human rights and fundamental freedoms in Bougainville,

Gravely concerned that medical supplies and other humanitarian aid are being prevented from reaching sections of the Bougainville population by a military blockade imposed by the Defence Forces of Papua New Guinea, resulting in many deaths,

1. Calls on all parties to the conflict in Bougainville to respect strictly all human rights and fundamental freedoms, in particular the right to life and the right to freedom of movement;

2. Calls upon the Government of Papua New Guinea to allow, as a matter of urgency, the immediate and unconditional flow of medical supplies and other humanitarian aid into all parts of Bougainville, including the area currently subject to a military blockade;

3. Regrets that the Government of Papua New Guinea, after agreeing to negotiate, has now unilaterally suspended the negotiations;

4. Urges the Government of Papua New Guinea to resume such negotiations without delay as a means of achieving a just and peaceful resolution to the conflict in the interest of avoiding further human rights violations;

5. Also urges the Government of Papua New Guinea immediately to invite the relevant Special Rapporteurs to investigate reports of torture and extrajudicial, summary and arbitrary executions in Bougainville, and to cooperate with them to enable them to fulfil their mandates;

6. Expresses its appreciation at the adoption by the Commission on Human Rights of resolution 1994/81 of 9 March 1994, in which it requested the Secretary-General to consider the appropriateness of appointing a special representative concerning the human rights situation in Bougainville.

35th meeting
25 August 1994
[Adopted without a vote. See chap. VII.]

1994/22. Situation of human rights in Haiti

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all Member States have the obligation to promote human rights and to fulfil the obligations they have undertaken under the various instruments in this field,

Recalling the resolutions on the situation in Haiti adopted by the competent bodies of the United Nations and the Organization of American States since the events of 29 September 1991, in particular General Assembly resolution 47/143 of 18 December 1992, Commission on Human Rights resolutions 1993/68 of 10 March 1993 and 1994/80 of 9 March 1994 and Sub-Commission resolutions 1992/16 of 27 August 1992 and 1993/18 of 20 August 1993, as well as the relevant resolutions of the Permanent Council of the Organization of American States and the General Assembly of that organization,

Having in mind the report on the situation in Haiti (E/CN.4/1994/55) prepared by the Special Rapporteur of the Commission on Human Rights, Mr. Marco Tulio Bruni Celli, in which he reports numerous violations of the right to life, security of person, freedom of expression, freedom of association and freedom of movement in that country,

Deeply concerned about the grave events in Haiti since 29 September 1991, which abruptly and violently interrupted the democratic process in that country and have resulted in the loss of human lives and violations of human rights,

Concerned at the mass exodus of Haitian nationals fleeing the country because of the steadily deteriorating political and economic situation since 29 September 1991, Deeply alarmed at the persistence and worsening of violations of human rights, in particular, summary and arbitrary executions, involuntary disappearances, reports of the torture and rape of women and children, which have increased dramatically since 1993, arbitrary arrests and detentions, denial of freedom of expression, assembly and association, and the grave deterioration of the political, economic and social situation in the country,

Concerned about the expulsion, on 11 July 1994, by the de facto Haitian authorities of the International Civilian Mission established by the United Nations and the Organization of American States,

Taking into account the signature by all parties of the Governors Island Agreement of 3 July 1993 and the New York Pact of 16 July 1993,

Observing that the de facto regime in Haiti has not implemented those agreements and has not fulfilled its obligations under the resolutions adopted by various organs and bodies of the United Nations system,

Aware of the urgent need to keep a close watch on the situation of human rights in Haiti,

1. Once again strongly condemns the overthrow of the constitutionally elected President, Mr. Jean-Bertrand Aristide, and the use of violence and military coercion, and the deterioration of the situation of human rights in that country;

2. Expresses its conviction that the full implementation of the Governors Island Agreement by all parties is the only valid framework for resolving the crisis in Haiti and guaranteeing the constitutional order, in order to achieve an improvement in the human rights situation in the country, and that the refusal by the Haitian military to implement this Agreement has led to a deterioration of the human rights situation;

3. Expresses its deep concern about the considerable worsening of the human rights situation in Haiti since the coup d'état in September 1991 and the resulting increase in violations of the human rights embodied in the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the American Convention on Human Rights and other international human rights instruments;

4. Again condemns the human rights situation, in particular since mid-1993, characterized by deaths, disappearances and assassinations, persecution, arbitrary arrests, torture, rape, improper demands by members of the armed forces for payment by citizens, abandonment of legislative programmes, the reappearance of the section chiefs, the banning of demonstrations and police repression of all acts of protest against the military authorities, as well as the grave deterioration of the political, economic and social situation in the country;

5. Draws the attention of the members of the international community to the fate of the Haitian nationals who are fleeing their country, and requests their support for the efforts being made to assist them, inter alia by considering possibilities of offering them temporary asylum;

6. Greatly hopes that the International Civilian Mission established by the United Nations and the Organization of American States will very soon be able to resume its work in Haiti, thus helping to prevent the perpetuation of certain human rights violations;

7. Expresses the hope that the mission of good offices being prepared by a group of Latin American countries will meet with success and thus permit the deployment of the United Nations Mission in Haiti with the objective of cooperating with the lawful authorities for the professionalization of the army, the creation of a separate police force and the setting up of the necessary structures to guarantee the country a climate for the establishment of democracy, as provided in the Governors Island Agreement;

8. Requests the Secretary-General of the United Nations to take any initiatives which may lead to a prompt solution to the crisis, particularly those which will peacefully re-establish constitutional order in the country, allow the constitutional President of the Republic, Jean-Bertrand Aristide, to return to Haiti and thus guarantee human rights;

9. Calls upon the States Members of the United Nations and other international organizations to intensify their humanitarian assistance to the people of Haiti, support all the efforts made to solve the problems of displaced persons and encourage the strengthening of the institutional coordination between the specialized agencies of the United Nations and between the United Nations and the Organization of American States;

10. Decides to continue its consideration of the situation of human rights in Haiti at its forty-seventh session, under agenda item 6.

35th meeting
25 August 1994
[Adopted without a vote. See chap. VII.]

1994/23. Situation of human rights in Guatemala

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights and the other international human rights instruments, as well as by the relevant norms and principles of international humanitarian law,

Recalling its resolution 1993/16 of 20 August 1993, Bearing in mind that, in its resolution 1994/58 of 4 March 1994, the Commission on Human Rights took note with appreciation of the report by the independent expert on the situation of human rights in Guatemala, Ms. Mónica Pinto (E/CN.4/1994/10), which contains important recommendations to improve the human rights situation in the country,

Welcoming the measures adopted by the President of Guatemala in order to strengthen democracy and the rule of law,

Taking note with satisfaction of the signing of the agreements between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca,

Having considered the Framework Agreement for the Resumption of the Negotiating Process for a Firm and Lasting Peace between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca, signed in Mexico on 10 January 1994,

Recalling that the parties agreed in the Framework Agreement that all their agreements should be accompanied by appropriate verification mechanisms at both the national and the international levels, and that the United Nations will be responsible for such international mechanisms,

Emphasizing the importance of the signing of the Comprehensive Agreement on Human Rights, the Agreement on a Timetable for a Firm and Lasting Peace, the Agreement for the Resettlement of the Populations Uprooted by the Armed Confrontation and the Agreement on the Establishment of the Commission to Investigate Human Rights Violations and Acts of Violence which have Caused Suffering to the Guatemalan Population, signed between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca, the first two in Mexico on 29 March 1994 and the third and fourth in Oslo on 17 and 20 June 1994, respectively,

Taking into consideration that, in the Comprehensive Agreement on Human Rights, the parties request the Secretary-General to organize a mission for the verification of compliance with commitments contained in the Agreement,

Mindful of the importance of the role to be played by the Assembly of Civil Society, provided for in the Framework Agreement, in making recommendations to the parties on the most important points of the negotiations, including those relating to the identity and rights of indigenous peoples,

Concerned because, more than four months after the signing of the Comprehensive Agreement on Human Rights, the United Nations verification mission has still not been established,

Concerned also that there continue to be complaints about human rights violations, whatever the source of the violations, Concerned further at the fact that cases of impunity continue to exist and little progress has been made in the investigations and judicial proceedings concerning cases of human rights violations,

Concerned at the situation of the displaced population in the areas affected by the internal armed conflict, as well as the extremely difficult conditions in which returnees are living,

Distressed at the persistence of the age-old marginalization and discrimination suffered by the indigenous populations in Guatemala,

1. Expresses its support for the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca, as well as the United Nations Mediator, for their endeavours to secure a firm and lasting peace;

2. Also expresses its firm support for the independent expert responsible for reporting on the situation of human rights in Guatemala, Ms. Mónica Pinto, and requests the Government of Guatemala to continue to cooperate fully with her;

3. Expresses its concern at the fact that the signing of the Comprehensive Agreement on Human Rights has not led to an improvement in the human rights situation;

4. Exhorts the Government of Guatemala to intensify its efforts to guarantee full respect for human rights by all the authorities, the armed and security forces and to bring to trial anyone guilty of serious violations of human rights and guarantee proper functioning of the administration of justice;

5. Requests the Government of Guatemala, as soon as possible, to increase economic and social development programmes and to strengthen in particular policies and programmes concerning the indigenous population, promoting its full participation, taking into account its proposals and respecting the country's multicultural nature;

6. Requests all the parties to proceed to fulfil the commitments entered into and in particular requests the Government to implement the Comprehensive Agreement on Human Rights, which has been in force since 29 March 1994, and any other immediately applicable provision, as well as to prepare the urgent and necessary conditions for prompt implementation of the other agreements, once the Firm and Lasting Peace Agreement is signed;

7. Appeals, to this end, to the Secretary-General to ensure, by every means at his disposal, the establishment, as soon as possible, of the United Nations Verification Mission in Guatemala;

8. Requests the parties to take into special account, for the purposes of future agreements, the proposals agreed on by the Assembly of Civil Society and encourages the Assembly to continue its constructive work in finding consensus for the necessary transformation of the Guatemalan State and in society, in particular in all matters pertaining to full realization of the civil, political, economic, social and cultural rights of the entire population, within the framework of the peace agreements.

35th meeting
25 August 1994
[Adopted without a vote. See chap. VII.]

1994/24. The right to freedom of movement

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming the right of everyone lawfully within the territory of a State to liberty of movement and freedom to choose his residence, and the prohibition of arbitrary deprivation of the right to enter one's own country as set out in article 12 of the International Covenant on Civil and Political Rights and article 13 of the Universal Declaration of Human Rights,

Recognizing that practices of forcible exile, mass expulsions and deportations, population transfer, "ethnic cleansing" and other forms of forcible displacement of populations within a country or across borders deprive the affected populations of their right to freedom of movement,

Noting that policies of forcible displacement are one of the major causes of flows of refugees and internally displaced persons,

Concerned that more than 20 million refugees and even larger and growing numbers of internally displaced persons exist worldwide,

1. Affirms the right of persons to remain in peace in their own homes, on their own lands and in their own countries;

2. Also affirms the right of refugees and displaced persons to return, in safety and dignity, to their country of origin and/or within it, to their place of origin or choice;

3. Urges Governments and other actors involved to do everything possible in order to cease at once all practices of forced displacement, population transfer and "ethnic cleansing" in violation of international legal standards;

4. Decides to include under the agenda item entitled "Freedom of movement" a sub-item relating to questions of displacement entitled "Population displacement" and to keep under constant review respect for the right to freedom of movement, including the right to remain and to return.

36th meeting
26 August 1994
[Adopted without a vote. See chap. XX.]

1994/25. Question of the implications for human rights of United Nations action, including humanitarian assistance, in addressing international humanitarian problems and in the promotion and protection of human rights

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Mindful that one of the purposes of the United Nations is to achieve international cooperation in solving problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Considering that all States Members of the United Nations have the duty to respect and to promote respect for the basic principles of international law enshrined in Article 2 of the Charter of the United Nations, as well as to implement Articles 55 and 56,

Reaffirming the principles of the sovereignty and territorial integrity of States, and that it is the responsibility of each State to care for the victims of natural disasters and other emergency situations occurring on its territory,

Reaffirming also the functions and competence as established in the Charter for the principal organs of the United Nations, in particular those relating to the need to foster international cooperation to achieve the promotion of universal respect for and observance of the human rights and fundamental freedoms of all,

Aware of the growing involvement of the United Nations in providing and coordinating humanitarian assistance to the victims of disasters and other emergency situations,

Reaffirming the close relationship which exists between general international law, international humanitarian law, international human rights law, refugee law and humanitarian assistance,

Aware that effective United Nations actions in the humanitarian field require a comprehensive analysis of the relevant legal principles and norms in relation to international cooperation in the humanitarian and human rights spheres in the light of the provisions of the Charter of the United Nations and other applicable international norms, and that such United Nations actions would benefit from a thorough evaluation and clarification of the issues involved,

Recalling General Assembly resolution 45/100 of 14 December 1990, in which the Assembly reaffirmed the cardinal importance of humanitarian assistance for the victims of natural disasters and similar emergency situations,

Recalling also General Assembly resolution 45/102 of 14 December 1990, in which the Assembly encouraged the international community to contribute substantially and regularly to international humanitarian activities, and stressing, in this context, the importance of further developing international cooperation in the humanitarian field to facilitate better understanding, mutual respect, confidence and tolerance among countries and peoples, thus contributing to a more just and non-violent world,

Noting General Assembly resolution 47/120 V of 18 December 1992, in which the Assembly, welcoming the increasing role of the United Nations system in providing humanitarian assistance, encouraged the Secretary-General to continue to strengthen the capacity of the Organization in order to ensure coordinated planning and execution of humanitarian assistance programmes, drawing upon the specialized skills and resources of all parts of the United Nations system, as well as those of non-governmental organizations, as appropriate,

Noting also General Assembly resolution 48/116 of 20 December 1993, in which the Assembly, noting with concern that the number of refugees and other persons to whom the Office of the United Nations High Commissioner for Refugees was called upon to provide assistance and protection had continued to increase and that their protection continued to be seriously jeopardized in many situations as a result of, inter alia, the failure to respect and ensure their fundamental freedoms and human rights, reaffirmed its support for the High Commissioner's efforts to provide humanitarian assistance and protection, taking into account the complementarities of the mandates and expertise of other relevant organizations,

Welcoming the activities of the newly created Department for Humanitarian Affairs, which should be reinforced,

Bearing in mind General Assembly resolution 48/57 of 14 December 1993, in which the Assembly expressed its deep concern about the increasing number and growing magnitude and complexity of natural disasters and other emergencies and stressed the need for improved coordination within the United Nations system and the necessity for the Department of Humanitarian Affairs to collect and disseminate timely information on natural disasters and other humanitarian emergencies in order to provide early warning of a crisis, and to assess needs on a continuing basis,

Mindful of the complexity and sensitivity of United Nations humanitarian action currently being undertaken in a number of countries plagued by war or internal conflict, _Mindful also_ of the role of the Sub-Commission, as a body of independent experts in the field of human rights, in providing competent United Nations bodies with its views within its area of competence, with the aim of establishing, in a collective effort, a better understanding of the complex interrelationship between human rights and humanitarian considerations, thereby providing the United Nations with a more secure foundation for future action,

1. _Expresses its appreciation_ to Ms. Claire Palley for her further preparatory document on the question of the implications of humanitarian activities for the enjoyment for human rights (E/CN.4/Sub.2/1994/39);

2. _Reaffirms_ the important role of the United Nations system as a whole in encouraging international cooperation in order to protect and promote human rights, as well as to address natural and man-made disasters, provide humanitarian assistance and coordinate disaster relief;

3. _Decides_ to recommend to the Commission on Human Rights the appointment of Ms. Claire Palley as Special Rapporteur of the Sub-Commission on the question of the implications for human rights of United Nations action under the Charter, including humanitarian assistance, in addressing international humanitarian problems and in the promotion and protection of human rights;

4. _Requests_ the Special Rapporteur to submit a preliminary report at its forty-seventh session, a progress report at its forty-eighth session and her final report at its forty-ninth session;

5. _Invites_ the members of the Sub-Commission to submit to the Special Rapporteur their views on the question;

6. _Requests_ the Secretary-General to provide the Special Rapporteur with all necessary assistance, including the resources required, to complete her study;

7. _Recommends_ the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 5.]

36th meeting
26 August 1994
[Adopted without a vote. See chap. XXI.]

1994/26. _Minimum humanitarian standards_

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Appalled by the massive violations of human rights and humanitarian law in recent conflicts, particularly those in Bosnia and Herzegovina and Rwanda, Considering that situations of internal violence, disturbances, tensions and public emergencies continue to cause serious instability and great suffering in all parts of the world,

Emphasizing that all persons, groups and public authorities should observe and themselves benefit from respect for the principles of international law derived from human rights, humanitarian law and established custom, including the principles of humanity and the dictates of public conscience,

Conscious of the need to reaffirm and develop principles governing the behaviour of all persons, groups and public authorities in situations of public emergency,

Observing that the Commission on Human Rights in recent years has dealt extensively with situations of massive violations of humanitarian principles, particularly during the special sessions on the former Yugoslavia and on Rwanda, making it desirable to achieve further clarification of international standards in this field,

Having considered, at its forty-third session, the Declaration of Minimum Humanitarian Standards, adopted by a group of experts at a meeting in Turku (Åbo), Finland, in December 1990 (E/CN.4/Sub.2/1991/55),

Noting that the Declaration, having been adopted by a group of experts, does not in itself constitute an international legal instrument but aims at the reaffirmation and progressive development of international law,

1. Decides to transmit the text of the Declaration of Minimum Humanitarian Standards to the Commission on Human Rights;

2. Recommends that the Commission examine the Declaration with a view to its further elaboration and eventual adoption.

36th meeting
26 August 1994
[Adopted without a vote. See chap. V.]

1994/27. Human rights and the environment

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1990/7 of 30 August 1990, in which it entrusted Ms. Fatma Zohra Ksentini with the task of undertaking a study on human rights and the environment,

Recalling also Commission on Human Rights resolution 1994/65 of 5 March 1994, in which the Commission endorsed the request of the Sub-Commission that the Special Rapporteur include in her final report recommendations for follow-up by the Commission of her work, Having examined the final report, including the annexes, prepared by the Special Rapporteur (E/CN.4/Sub.2/1994/9),

Convinced that continued work on human rights and the environment is essential for the full realization of human rights and fundamental freedoms,

1. Expresses its deepest appreciation to the Special Rapporteur, Ms. Fatma Zohra Ksentini, for her comprehensive and profound final report on human rights and the environment;

2. Welcomes especially the conclusions and recommendations contained in the final report, as well as the draft principles on human rights and the environment;

3. Decides to transmit the final report to the Commission on Human Rights for its consideration, with a view to its publication and widest possible dissemination;

4. Invites the Commission on Human Rights to pay particular attention to the conclusions and recommendations contained in the report, taking into account its resolution 1994/65 of 5 March 1994 and the comments and observations made at the forty-sixth session of the Sub-Commission;

5. Recommends the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution II.]

36th meeting
26 August 1994
[Adopted without a vote. See chap. V.]

1994/28. Recognition of gross and large-scale violations of human rights as an international crime

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Aware that gross and large-scale violations of human rights are a matter of grave concern for mankind,

Believing that such violations, if they are perpetrated on the orders of Governments or are sanctioned by them, pose the greatest danger to mankind,

Having discussed the working paper (E/CN.4/Sub.2/1993/10 and Corr.1) submitted by Mr. Stanislav Chernichenko in accordance with its decision 1992/109 of 27 August 1992, *Referring* to its resolution 1993/30 of 25 August 1993, concerning the appointment of Mr. Stanislav Chernichenko as Special Rapporteur to prepare a report entitled "Recognition of gross and large-scale violations of human rights perpetrated on the orders of Governments or sanctioned by them as an international crime",

Taking into account decision 1994/103 of 4 March 1994 of the Commission on Human Rights, in which it decided to request the Sub-Commission to reconsider, without prejudice to the independence of the Sub-Commission and its members, its decisions to recommend new studies and related efforts, including the above-mentioned report,

Considering, however, that the preparation of this report is very important and opportune,

Taking into account that the Special Rapporteurs on the right to a fair trial, Mr. Stanislav Chernichenko and Mr. William Treat, completed their study in 1994,

Expressing its appreciation to Mr. Stanislav Chernichenko for the working paper on the definition of gross and large-scale violations of human rights as an international crime,

1. *Decides* to recommend to the Commission on Human Rights the appointment of Mr. Stanislav Chernichenko as Special Rapporteur to prepare a report entitled "Recognition of gross and large-scale violations of human rights perpetrated on the orders of Governments or sanctioned by them as an international crime";

2. *Also decides* to consider the report of the Special Rapporteur at its forty-seventh session under the agenda item entitled "Review of further developments in fields with which the Sub-Commission has been concerned";

3. *Further decides* to recommend that the Special Rapporteur take into account the comments made on his working paper at its forty-fifth and forty-sixth sessions, as well as relevant work of the International Law Commission;

4. *Recommends* that the Special Rapporteur include in his report a draft declaration on the question;

5. *Recommends* the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 6.]

36th meeting
26 August 1994
[Adopted without a vote. See chap. V.]

1994/29. Discrimination in the context of human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS)

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Mindful that respect for the principle of non-discrimination is the key to the protection and realization of fundamental human rights and freedoms as recognized and protected by international standards,

Convinced that discrimination against any person on the grounds of AIDS or HIV infection, actual or presumed, violates fundamental human rights and freedoms,

Alarmed at discriminatory laws and policies and the emergence of new forms of discriminatory practices which deny people with HIV infection or AIDS, their families and associates, as well as those presumed to be infected or at risk of infection, enjoyment of their fundamental rights and freedoms,

Concerned that lack of full enjoyment of their fundamental rights by persons suffering from economic, social or legal disadvantage heightens their vulnerability to the risk of HIV infection,

Noting that, according to a report submitted to the Commission on the Status of Women at its thirty-third session (E/CN.6/1989/6/Add.1), women are especially vulnerable to the risk of HIV infection and to the economic and social impact of AIDS as a result of their disadvantaged social, legal and economic status,

Concerned that evidence indicates that other groups in society suffering discrimination in the enjoyment of their fundamental rights and freedoms, notably indigenous peoples, minorities, street children and other children with inadequate care and those living in poverty and social disadvantage, are also more vulnerable to the risk of infection as a result of disadvantage in access to education, health care and social services, and that they suffer disproportionately from the economic and social consequences of the pandemic,

Concerned also that the fear and ignorance surrounding AIDS are leading to increased stigmatization of and prejudice against people with HIV and AIDS and members of particular groups in society resulting, in some countries, in increasing violence against such individuals, arbitrary detention and deportation,

Recalling Commission on Human Rights resolution 1994/49 of 4 March 1994 in which the Commission called upon all States to ensure respect for human rights in the context of AIDS and to ensure full enjoyment of all rights by people with HIV and AIDS, their families and those associated with them, and to take measures to combat social stigmatization and discrimination,

Bearing in mind World Health Assembly resolution WHA.45.35 of 14 May 1992 in which the Assembly recognized that there was no public health rationale for any measures that limit the rights of the individual, notably measures establishing mandatory screening, and called upon States to reinforce efforts to oppose discrimination against persons and specific groups known to be or suspected of being infected with HIV,

Recognizing that measures to combat discrimination and social stigma form an essential part of an effective public health strategy,

Welcoming the decision of the Economic and Social Council, contained in its resolution 1994/24 of 26 July 1994, endorsing the establishment of a joint and co-sponsored United Nations programme on HIV/AIDS,

1. Confirms that discrimination on the basis of AIDS or HIV status, actual or presumed, is prohibited by existing international human rights standards, and that the term "or other status" in non-discrimination provisions in international human rights texts should be interpreted to cover health status, including HIV/AIDS;

2. Calls upon all States to review their laws, policies and practices in the context of HIV and AIDS in order to ensure that they respect human rights standards, including the prohibition of AIDS-related discrimination, and to take all the necessary steps, including the introduction of protective legislation and appropriate education, to combat discrimination, prejudice and stigma, and to ensure the full enjoyment of civil, political, economic, social and cultural rights by people with HIV and AIDS, their families and those associated with them, and people presumed to be at risk of infection;

3. Also calls upon all States to strengthen their efforts to advance the legal, economic and social status of women, children and indigenous peoples, as well as of minorities and other groups suffering discrimination in the enjoyment of their rights, in order to render them less vulnerable to the risk of HIV infection and to the adverse socio-economic consequences of the AIDS pandemic;

4. Commends the Working Group on Contemporary Forms of Slavery for giving attention to protecting children from the risk of HIV infection resulting from sexual exploitation;

5. Requests the Commission on Human Rights to consider recommending the organization by the Centre for Human Rights of a second international expert consultation on human rights and AIDS, with particular emphasis on the prevention of AIDS-related discrimination and stigma;

6. Also requests the Commission on Human Rights to consider the appropriate methods by which to keep under continuous review the protection of the rights of people affected by AIDS-related discrimination;

7. Welcomes the request by the Commission on Human Rights to the Secretary-General to submit to the Commission at its fifty-first session a report on international and domestic measures taken to protect human rights and prevent discrimination in the context of HIV/AIDS, and recommends that

this report consider the development of a declaration on respect for human rights in the response to AIDS and guidelines for the prevention of AIDS-related discrimination;

8. Also welcomes the report of the Secretary-General on developments in the United Nations system concerning HIV and AIDS, in particular the progress made in establishing a joint and co-sponsored United Nations programme on HIV/AIDS (E/CN.4/Sub.2/1994/8), and requests the co-sponsors of the future programme to integrate a strong human rights component into the programme's strategies and work;

9. Requests the Secretary-General to bring the present resolution to the attention of the relevant United Nations agencies and bodies, including working groups and special rapporteurs, as well as the treaty monitoring bodies, and urges all relevant bodies and procedures to consider the impact of AIDS-related discrimination within the context of their mandates and to include consideration of this issue in their reports;

10. Decides to keep the issue of AIDS-related discrimination under continuous review, and to give consideration to this issue under all relevant items of its agenda as well as in the work of its relevant working groups and special rapporteurs.

36th meeting
26 August 1994
[Adopted without a vote. See chap. V.]

1994/30. Traditional practices affecting the health of women and children

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolutions 1991/23 of 29 August 1991 and 1993/33 of 25 August 1993,

Recalling also Commission on Human Rights decision 1994/104 of 4 March 1994, by which the Commission endorsed the recommendations of the Sub-Commission,

Taking note with appreciation of the report of the second United Nations Regional Seminar on Traditional Practices affecting the Health of Women and Children (E/CN.4/Sub.2/1994/10 and Corr.1) and in particular of the Plan of Action for the Elimination of Harmful Traditional Practices affecting the Health of Women and Children (E/CN.4/Sub.2/1994/10/Add.1 and Corr.1),

1. Expressing its appreciation to the Government of Sri Lanka for hosting the second United Nations Regional Seminar on traditional practices affecting the health of women and children at Colombo from 4 to 8 July 1994;

2. Expresses its deep appreciation to the Special Rapporteur, Ms. Halima Embarek Warzazi, for her constructive contribution to the seminar and specifically to the elaboration of the Programme of Action;

3. Adopts the Programme of Action on Traditional Practices affecting the Health of Women and Children submitted by the Special Rapporteur (E/CN.4/Sub.2/1994/10/Add.1 and Corr.1);

4. Decides to recommend that the Commission on Human Rights extend the mandate of the Special Rapporteur for two more years, in order to enable her to undertake an in-depth study to assess, inter alia, the differences and the similarities between traditional practices affecting the health of women and children in many parts of the world, taking into consideration, among other relevant documents and information, the conclusions and recommendations of the two regional seminars and the effects of the implementation of the Plan of Action;

5. Requests the Secretary-General to transmit the Plan of Action to the International Conference on Population and Development, to be held at Cairo in September 1994, and to the Fourth World Conference on Women, to be held in Beijing in 1995, as well as to all competent organs and bodies of the United Nations system and to all intergovernmental and non-governmental organizations concerned;

6. Requests the Special Rapporteur to submit her preliminary report at the forty-seventh session and her final report at the forty-eighth session of the Sub-Commission;

7. Requests the Secretary-General to provide all the assistance that the Special Rapporteur may require in the exercise of her mandate;

8. Decides to keep this item on its agenda, and recommends that the Commission on Human Rights continue to include it in its agenda also;

9. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 8.]

36th meeting
26 August 1994
[Adopted without a vote. See chap. V.]

1994/31. Encouragement of universal acceptance of human rights instruments

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1992/1 of 14 August 1992, in which it requested its Chairman to appoint one of its members to report to the Sub-Commission on the progress made in the universal acceptance of human rights instruments,

Bearing in mind steps taken in earlier years by the Sub-Commission to consider ways and means of encouraging Governments which had not yet done so to ratify or accede to international human rights instruments,

Considering that since 1979, the year when the Sub-Commission began systematically to address the issue of encouraging universal ratification of international human rights instruments, no substantive progress has been made in its attempt to convince Governments of the utility of the involvement of the United Nations in assisting them to ratify human rights instruments,

Taking note of the absence of any formal response from Member States to the invitations extended to them to offer clarification as to why they are unable to ratify these instruments,

Taking note also of the absence of advisory services on this issue provided by the Centre for Human Rights at the request of States, resulting from the continued lack of interest by States in the matter,

Noting with appreciation the extensive and continuous attempts to promote further ratifications undertaken by the High Commissioner for Human Rights, the Assistant Secretary-General for Human Rights and the Centre for Human Rights,

Reaffirming the importance of the ongoing informal consultations between these United Nations entities and Member States resulting from those promotional activities,

Bearing in mind the ongoing problems in the rationalization of its work, especially during its forty-sixth session,

1. Decides to discontinue consideration of this matter under a separate agenda item;

2. Also decides to take up these issues when they arise under the existing items of its agenda.

36th meeting
26 August 1994
[Adopted without a vote. See chap. XIV.]

1994/32. Strengthening of the Centre for Human Rights

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling all relevant General Assembly and Commission on Human Rights resolutions,

Considering that the promotion of universal respect for and observance of human rights and fundamental freedoms is one of the basic purposes of the Charter of the United Nations and an issue of the utmost importance for the Organization,

Acknowledging the increasing attention given to the activities undertaken by the United Nations system in the field of human rights,

Recalling that the Vienna Declaration and Programme of Action (A/CONF.157/23) stresses the importance of strengthening the Centre for Human Rights,

Noting that the activities envisaged in the Vienna Declaration and Programme of Action will add further to the workload and the responsibilities of the Centre for Human Rights,

Emphasizing the important role of the Centre for Human Rights as a coordinating unit within the United Nations system in the promotion, protection and implementation of human rights and the need to provide it with sufficient human and financial resources, particularly in view of the fact that its workload has dramatically increased while resources have failed to keep pace with the expansion of its responsibilities,

Emphasizing also the need to pay particular attention to the recruitment to the Centre for Human Rights of personnel from developing countries, to ensure equitable geographical distribution and in this regard to give priority in particular to recruitment to high-level and Professional posts and also to the recruitment of women,

Welcoming the fact that the World Conference on Human Rights made recommendations for securing the necessary financial and other resources for United Nations activities in the field of human rights,

1. Requests the Secretary-General to enhance further the role and importance of the Centre for Human Rights, under the overall supervision of the High Commissioner for Human Rights, as the coordinating unit within the United Nations system with respect to human rights;

2. Welcomes the efforts of the Secretary-General, and encourages him to continue to implement measures to improve the efficiency and effectiveness of the Centre for Human Rights;

3. Requests the Secretary-General to ensure that sufficient financial, human and other resources are accorded to the Centre for Human Rights to enable it to undertake all its functions, in full and on time;

4. Also requests the Secretary-General and the competent United Nations bodies to implement, as appropriate and as a matter of urgency, the relevant recommendations which the World Conference on Human Rights made with regard to securing the necessary financial and other resources for the strengthening of the Centre for Human Rights;

5. Decides to consider the question again at it forty-seventh session.

36th meeting
26 August 1994
[Adopted without a vote. See chap. IV.]

1994/33. Right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling resolution 1994/35 of 4 March 1994 of the Commission on Human Rights in which the Commission recommended that the Sub-Commission, in conformity with Sub-Commission resolution 1993/29 of 25 August 1993, take measures to examine the basic principles and guidelines proposed by the Special Rapporteur, Mr. Theo van Boven, in his study on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms (E/CN.4/Sub.2/1993/8) with a view to making proposals thereon and report to the Commission,

Noting with interest the report of the Secretary-General prepared pursuant to Sub-Commission resolution 1993/29 (E/CN.4/Sub.2/1994/7 and Add.1) containing comments on the proposed basic principles and guidelines received from States, intergovernmental organizations and non-governmental organizations,

Noting also the report of its sessional working group on the administration of justice and the question of compensation (E/CN.4/Sub.2/1994/22) and the preliminary consideration given by the sessional working group to the proposed basic principles and guidelines,

1. Decides to continue the consideration of the proposed basic principles and guidelines at its forty-seventh session with a view to making substantive progress in the matter;

2. Requests the Secretary-General to invite States and competent intergovernmental and non-governmental organizations which have not yet done so to submit their comments on the proposed basic principles and guidelines.

36th meeting
26 August 1994
[Adopted without a vote. See chap. XI.]

1994/34. Question of the impunity of perpetrators of violations of human rights

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, other relevant human rights instruments and the Geneva Conventions of 12 August 1949,

Recalling the interdependence and indivisibility of civil and political rights and economic, social and cultural rights,

Convinced that the increasingly widespread practice worldwide of impunity for perpetrators of violations of human rights is a fundamental obstacle to the observance of human rights,

Recalling its resolution 1992/23 of 27 August 1992, in which it decided to request Mr. El Hadji Guissé and Mr. Louis Joinet to draft a study on the impunity of perpetrators of violations of human rights, and Commission on Human Rights resolution 1993/43 of 5 March 1993, in which the Commission endorsed the decision of the Sub-Commission,

Recalling also its resolution 1993/37 of 26 August 1993 and Commission on Human Rights resolution 1994/44 of 4 March 1994,

Bearing in mind paragraph II.91 of the Vienna Declaration and Programme of Action (A/CONF.157/23), in which the World Conference on Human Rights supported the efforts of the Commission and the Sub-Commission to intensify opposition to the impunity of perpetrators of serious violations of human rights,

1. Welcomes with satisfaction the preliminary report (E/CN.4/Sub.2/1994/11) on the question of the impunity of perpetrators of violations of human rights (economic, social and cultural rights);

2. Decides, in order to facilitate the treatment of the question, to entrust Mr. Joinet with the completion of the first aspect, concerning civil and political rights, and Mr. Guissé with the second aspect, concerning economic, social and cultural rights;

3. Requests the Special Rapporteurs to submit their respective reports to the Sub-Commission at its forty-seventh session;

4. Requests the Secretary-General to provide the Special Rapporteurs with any assistance required to enable them to discharge their task;

5. Invites Governments, competent bodies of the United Nations, the specialized agencies, regional intergovernmental organizations and non-governmental organizations to provide or continue to provide information on the question;

6. Decides to consider the question of the impunity of perpetrators of violations of human rights at its forty-seventh session under the agenda item entitled "The administration of justice and the human rights of detainees".

36th meeting
26 August 1994
[Adopted without a vote. See chap. XI.]

1994/35. The right to a fair trial

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1990/18 of 30 August 1993, in which it decided to entrust Mr. Stanislav Chernichenko and Mr. William Treat with the preparation of a study entitled "The right to a fair trial: current recognition and measures necessary for its strengthening",

Recalling also its resolutions 1991/14 of 28 August 1991, 1992/21 of 27 August 1992 and 1993/26 of 25 August 1993, as well as Commission on Human Rights resolutions 1991/43 of 5 March 1991 and 1992/34 of 28 February 1992 and decision 1993/106 of 5 March 1993,

Recalling, in particular, Commission decision 1994/107 of 4 March 1994, by which it decided to consider at its fifty-first session the final report of the Special Rapporteurs including, if appropriate, the desirability of a third optional protocol to the International Covenant on Civil and Political Rights, aimed at guaranteeing under all circumstances the right to a fair trial and a remedy,

Recalling also articles 8, 10 and 11 of the Universal Declaration of Human Rights, which affirm the right of every individual to a fair and public hearing by an independent and impartial tribunal, the right to be presumed innocent until proven guilty and the right to an effective remedy,

Recalling further article 14 of the International Covenant on Civil and Political Rights, which reaffirms the right of every individual to a fair and public hearing, Mindful of article 9, paragraphs 3 and 4, of the International Covenant on Civil and Political Rights which require States parties to ensure that an arrested or detained person is brought promptly before a judge or similar officer and that anyone who is deprived of liberty is entitled to take proceedings before a court in order that the court may without delay determine the lawfulness of the detention and order release if the detention is not lawful,

Mindful also of article 2, paragraph 3, of the International Covenant on Civil and Political Rights and article 8 of the Universal Declaration of Human Rights, which assure the right to an effective remedy for violations of human rights,

Noting that the fair trial provisions contained in articles 5, 6, 7 and 26 of the African Charter on Human and Peoples' Rights are non-derogable,

Noting also that the judicial guarantees for the protection of the rights made non-derogable by article 27 of the American Convention on Human Rights are non-derogable,

Noting further the guarantees of a fair trial and a remedy incorporated in articles 5, 7, 12, 13 and 15 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Noting in addition that articles 96 and 99 to 108 of the Geneva Convention relative to the Treatment of Prisoners of War prescribe the rights of prisoners of war in judicial proceedings; that articles 54, 64 to 74 and 117 to 126 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War provide for the right to a fair trial and a remedy in occupied territories and extend fair trial guarantees in international armed conflicts to all persons, including those arrested for actions relating to the conflict,

Noting additionally that common article 3 of the four Geneva Conventions of 12 August 1949 and article 6 of Additional Protocol II to the Geneva Conventions contain indispensable judicial guarantees for the protection of the right to a fair trial during non-international armed conflicts,

Aware of the Standard Minimum Rules for the Treatment of Prisoners, the Basic Principles on the Independence of the Judiciary, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, the Basic Principles on the Role of Lawyers and the Guidelines on the Role of Prosecutors, which are intended to apply at all times,

Aware also that the Human Rights Committee at its fiftieth session decided to communicate to the Sub-Commission its view that the remedies provided in article 9, paragraphs 3 and 4, read in conjunction with article 2 are inherent in the International Covenant on Civil and Political Rights as a whole, Aware further that the Human Rights Committee at its twenty-first session adopted General Comment No. 13 on article 14 in which it indicated that States parties should, even in times of public emergency, respect the conditions in paragraph 1 of article 14 of the Covenant,

Having examined the preparatory report (E/CN.4/Sub.2/1990/34), the preliminary report (E/CN.4/Sub.2/1991/29), the progress reports (E/CN.4/Sub.2/1992/24 and Add.1-3 and E/CN.4/Sub.2/1993/24 and Add.1-3) and the final report (E/CN.4/Sub.2/1994/24) on the right to a fair trial and a remedy, prepared by the Special Rapporteurs,

1. Expresses its appreciation to Mr. Stanislav Chernichenko and Mr. William Treat for their final report and for their recommendations for strengthening the implementation of the right to a fair trial and a remedy;

2. Also expresses its appreciation to the Governments, non-governmental organizations and bar associations that provided information for the study, for example by responding to the questionnaires prepared by the Special Rapporteurs;

3. Reaffirms that article 2, paragraph 3, article 9, paragraphs 3 and 4 and article 14 of the International Covenant on Civil and Political Rights are inherent in the Covenant as a whole and should accordingly be considered to be non-derogable, particularly because they are necessary to protect other non-derogable rights;

4. Endorses the other recommendations of the Special Rapporteurs for strengthening the implementation of the right to a fair trial and a remedy;

5. Recommends, as suggested by the Special Rapporteurs, that the international monitoring of the right to a fair trial and a remedy continue through such bodies as the Human Rights Committee, the Working Group on Arbitrary Detention, the Special Rapporteur on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, the European Commission and Court of Human Rights, the Inter-American Commission on and Court of Human Rights, the African Commission on Human and Peoples' Rights and international trial observers sent by intergovernmental organizations, Governments and non-governmental organizations;

6. Endorses the useful summary of norms and interpretations embodied in the draft body of principles on the right to a fair trial and a remedy (E/CN.4/Sub.2/1994/24, annex II) and believes it beneficial to consider the draft body of principles;

7. Notes with appreciation and approves the proposal of the Special Rapporteurs to compile, without financial implications, the entire study so that it can be published in one volume to be issued under the United Nations Human Rights Study Series;

8. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 9.]

36th meeting
26 August 1994
[Adopted without a vote. See chap. XI.]

1994/36. Question of human rights and states of emergency

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling Commission on Human Rights resolution 1983/18 of 22 February 1983, in which the Commission requested the Sub-Commission to propose measures designed to ensure respect throughout the world of human rights and fundamental freedoms in situations where states of siege or emergency exist, especially of those rights referred to in article 4, paragraph 2, of the International Covenant on Civil and Political Rights, prohibiting derogation from certain rights, even in time of public emergency,

Recalling also the following resolutions it has adopted on this question: 10 (XXX) of 31 August 1977, 1983/28 and 1983/30 of 6 September 1983, 1985/32 of 30 August 1985, 1987/25 of 3 September 1987, 1988/24 of 1 September 1988, 1989/28 of 1 September 1989, 1990/19 of 30 August 1990, 1991/18 of 28 August 1991, 1992/22 of 27 August 1992 and 1993/28 of 25 August 1993,

Having taken note of the seventh revised annual report and list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency, submitted by the Special Rapporteur, Mr. Leandro Despouy (E/CN.4/Sub.2/1994/23 and Corr.1),

Bearing in mind that, in its resolution 1991/34 of 5 March 1991, the Commission on Human Rights invited the Sub-Commission to consider the question of the effectiveness of habeas corpus and similar remedies during states of emergencies and to formulate suggestions thereon,

Recalling that it requested the Special Rapporteur to make recommendations on the impact of emergency measures on non-derogable rights, and noting with satisfaction that in May 1994 he organized, for this purpose, an international expert meeting for an initial study process that deserves to be further explored,

1. Takes note with interest of the seventh annual revised report and list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency, submitted by the Special Rapporteur (E/CN.4/Sub.2/1994/23 and Corr.1), and notes with satisfaction that the

Special Rapporteur is increasingly enjoying active cooperation from States, as well as competent bodies of the United Nations, the specialized agencies, non-governmental organizations and competent university institutes;

2. Notes with concern that, as is apparent from the seventh report, dated 3 June 1994, since 1 January 1985 a state of emergency has been proclaimed, extended or maintained in various forms on 196 occasions in States and territories, whereas in that same period, it has been terminated only 59 times;

3. Invites all States whose legislation does not contain any explicit provision guaranteeing the legality of the introduction of a state of emergency to adopt provisions in conformity with international rules and principles, as developed in the successive reports of the Special Rapporteur and endorsed by the Commission on Human Rights, and similarly invites States whose legislation explicitly provides for states of emergency to ensure that such legislation is in conformity with international rules on the matter;

4. Notes the increasing interest shown by States in receiving technical assistance concerning states of emergency and the rights which cannot be derogated from in such circumstances, and expresses the hope that the Secretary-General will be able to respond promptly and effectively to requests from States in the context of advisory services in the field of human rights and through the Special Rapporteur;

5. Urges Governments, particularly those facing situations of internal unrest, to limit resort to a state of emergency exclusively to circumstances whose seriousness and exceptional character are such that they justify the introduction of such an emergency and to combine such introduction with guarantees, notably with regard to proportionality, duration and the inalienability of non-derogable rights, intended to maintain respect for human rights, so as to prevent a state of emergency from becoming commonplace and from being unjustifiably perpetuated;

6. Notes with deep concern that, to deal with certain situations, including internal unrest or the threat of such unrest, some States do not hesitate to take emergency measures without officially proclaiming a state of emergency and that such measures have serious repercussions on the enjoyment of human rights, and invites all States to ensure that no emergency measure, including suspension or limitation of certain basic rights, is taken without the corresponding state of emergency being officially proclaimed, in accordance with national law and international rules and principles;

7. Takes note with interest of the consultations entered into by the Special Rapporteur to devise principles to be followed for drafting legal provisions on states of emergency (March 1991) and to study non-derogable rights in states or situations of emergency (May 1994), encourages the Special Rapporteur to organize, in May 1995 at Geneva, a second expert meeting on the question of non-derogable rights to explore the matter further, and requests him to report on the results of the meeting at its forty-seventh session, in the context of his eighth report;

8. *Requests* the Special Rapporteur to submit to the Commission on Human Rights at its fifty-first session an updated list of States which have proclaimed, extended or terminated a state of emergency since 1 January 1985, so that the Commission will have the latest and most comprehensive information possible on the past 10 years;

9. *Takes note* of the consultations with institutions and experts already held by the Special Rapporteur in implementation of its resolution 1993/28 of 25 August 1993 on the subject of receiving, storing and retrieving information, through a databank, on states of emergency and related human rights questions, and invites him to pursue and broaden such consultations in early 1995 so as to report on the results at its forty-seventh session;

10. *Requests* the Secretary-General to place at the disposal of the Special Rapporteur all the human and material resources needed to carry out his mandate in accordance with the foregoing;

11. *Recommends* the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution III.]

36th meeting
26 August 1994
[Adopted without a vote. See chap. XI]

1994/37. *Measures towards the full realization of economic, social and cultural rights*

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the provisions of the Charter which establish that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights for all,

Conscious that the Universal Declaration of Human Rights provides that everyone is entitled to realization of the economic, social and cultural rights indispensable for his dignity and the free development of his personality,

Recalling Commission on Human Rights resolutions 1994/11, 1994/12 and 1994/14 of 25 February 1994, 1994/20 and 1994/21 of 1 March 1994 and 1994/65 of 9 March 1994, Mindful of the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights, in which the need is underlined for a concerted effort to ensure recognition of economic, social and cultural rights at the national, regional and international levels,

Reaffirming the interdependence and indivisibility of civil, cultural, economic, political and social human rights and that the promotion and protection of any of these rights should never exempt or excuse States from the promotion and protection of the other rights,

Emphasizing the need to secure, within the shortest possible time-frame, the full respect and enjoyment of the rights contained in the International Covenant on Economic, Social and Cultural Rights, with particular emphasis on the rights of the most vulnerable and disadvantaged,

Welcoming the decisions of the General Assembly to convene the World Summit for Social Development in 1995 and the United Nations Conference on Human Settlements (Habitat II) in 1996, both of which can provide a means of further strengthening economic, social and cultural rights and of expediently promoting the full realization of these rights,

Recalling the four reports of the Special Rapporteur on the realization of economic, social and cultural rights, Mr. Danilo Türk (E/CN.4/Sub.2/1989/19, E/CN.4/Sub.2/1990/19, E/CN.4/Sub.2/1991/17, E/CN.4/Sub.2/1992/16), in particular the recommendations contained in his final report (E/CN.4/Sub.2/1992/16, paras. 202-246),

Welcoming the working paper (E/C.12/1994/WP.9) submitted by the advisory services programme of the Centre for Human Rights to the Committee on Economic, Social and Cultural Rights, at its tenth session, held in May 1994, outlining measures taken by the advisory services programme relating to economic, social and cultural rights,

Taking note of Sub-Commission document E/CN.4/Sub.2/1994/11 which addresses impunity in the context of economic, social and cultural rights,

Welcoming the valuable work carried out by the Committee on Economic, Social and Cultural Rights and the Working Group on the Right to Development,

Convinced of the need, throughout the United Nations human rights programme, substantially to increase attention to and to undertake activities on economic, social and cultural rights with a view to promoting the full realization of these rights,

Aware that many of the activities outlined in earlier resolutions on economic, social and cultural rights by the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities have yet to be carried out or completed,

Recalling its resolutions 1991/27 of 29 August 1991 and 1992/29 of 27 August 1992;

1. Welcomes the efforts of the Secretary-General to publish in one document the compiled reports of the Special Rapporteur on the realization of economic, social and cultural rights, Mr. Danilo Türk;

2. Expresses the hope that the international financial institutions will respond favourably to the request made by the Commission on Human Rights in its resolutions 1993/14 of 26 February 1993 and 1994/20 of 1 March 1994 to consider convening an expert seminar on the role of these institutions in the realization of economic, social and cultural rights, and encourages the international financial institutions to ensure the wide participation of human rights experts in the seminar, including representatives of non-governmental organizations;

3. Urges the international financial institutions, in particular the World Bank and the International Monetary Fund, to bear in mind the impact of their policies and programmes on the realization of economic, social and cultural rights;

4. Encourages the United Nations Children's Fund, the United Nations Development Programme, the regional commissions, the United Nations Centre for Human Settlements (Habitat), the World Bank, the International Monetary Fund, the World Trade Organization and other relevant international programmes and agencies to integrate human rights concerns into their respective mandates;

5. Invites the Preparatory Committee for the World Summit for Social Development, to be held at Copenhagen in 1995, to give due emphasis to economic, social and cultural rights, and in particular to the International Covenant on Economic, Social and Cultural Rights, in developing general principles and guidelines and the plan of action of the Summit and to respond favourably to the offer by the Committee on Economic, Social and Cultural Rights to act as the monitoring body for the plan of action arising from the Summit;

6. Also invites the Preparatory Committee for the United Nations Conference on Human Settlements (Habitat II), to be held in 1996, to give due emphasis to economic, social and cultural rights, in particular the right to adequate housing, in developing general principles and guidelines and the plan of action of the Conference;

7. Requests the Commission on Human Rights to:

(a) Consider the desirability of appointing thematic rapporteurs entrusted with investigating specific economic, social and cultural rights, in particular the right to adequate housing and human rights and the environment, especially in view of the substantial non-realization of these and other economic, social and cultural rights;

(b) Examine the work carried out by the Committee on Economic, Social and Cultural Rights concerning the adoption of an optional protocol to the International Covenant on Economic, Social and Cultural Rights granting individuals and groups the right to submit communications alleging non-compliance by States parties, whether by act or omission, with the provisions of the Covenant and to forward its specific views to the Committee as to the contents of such an optional protocol;

(c) Consider explicitly requesting each country rapporteur to include a specific reference to the enjoyment of economic, social and cultural rights in his or her reports and to develop guidelines for use by country rapporteurs in this regard;

(d) Request the High Commissioner for Human Rights to take into full consideration economic, social and cultural rights in carrying out his mandate;

(e) Request the international financial institutions, in particular the World Bank, the International Monetary Fund and the World Trade Organization, to develop independent mechanisms designed to ensure that international human rights standards are taken fully into account in the adoption of all relevant policies, projects and practices and that these standards are fully respected in this regard;

8. Requests the Secretary-General to:

(a) Complete the preparation of basic policy guidelines on structural adjustment and economic, social and cultural rights, based on the principles of international human rights law and which could serve as a basis for continued dialogue between the United Nations human rights programme and the international financial institutions of the United Nations, in particular the World Bank and the International Monetary Fund;

(b) Continue efforts towards the development of policy guidelines relating to economic, social and cultural rights;

(c) Continue also the survey of the legislative recognition of economic, social and cultural rights and, in this context, make concrete proposals as to the need for further standard-setting in the field of economic, social and cultural rights, and take into account the draft international convention on housing rights contained in the second progress report of the Special Rapporteur on promoting the realization of the right to adequate housing (E/CN.4/Sub.2/1994/20, chap. IX) and the draft declaration of principles on human rights and the environment contained in the final report of the Special Rapporteur on human rights and the environment (E/CN.4/Sub.2/1994/9, annex I);

(d) Consider the possibility of convening expert seminars, in accordance with Commission on Human Rights resolution 1994/20, focused on specific economic, social and cultural rights, including (i) the right to work; (ii) the right to social security; (iii) the right to housing; (iv) the right to food; (v) the right to health; (vi) the right to education; and (vii) the right to culture, with a view to clarifying the particular content of these rights and elaborating universally relevant policy guidelines for each of these rights based on international human rights law;

(e) Consider, as a matter of priority, increasing the number of staff of the Centre for Human Rights with practical expertise in the area of economic, social and cultural rights and, in this regard, consider also the establishment of a section devoted exclusively to activities on and the promotion of economic, social and cultural rights, including the right to development, within the Centre for Human Rights;

(f) Develop the capacity necessary for carrying out training sessions for States, United Nations specialized and other agencies and programmes and non-governmental organizations on economic, social and cultural rights;

(g) Prepare for its consideration at its forty-seventh session a background document examining the relationship between the enjoyment of human rights, in particular, international labour and trade union rights, and the working methods and activities of transnational corporations;

9. Decides to consider progress made in implementing the present resolution at its forty-seventh session under the agenda item entitled "The realization of economic, social and cultural rights".

36th meeting
26 August 1994
[Adopted without a vote. See chap. IX.]

1994/38. Promoting the realization of the right to adequate housing

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming the right of every woman, man and child to a safe and secure place to live in peace and dignity,

Deeply concerned that in excess of one billion persons remain homeless or inadequately housed throughout the world, and have yet to attain their legitimate right to adequate housing,

Convinced of the continuing and urgent need for renewed attention and commitment by all relevant actors to the human right to adequate housing,

Recalling Commission on Human Rights decision 1993/103 of 4 March 1993,

Recalling also Commission on Human Rights resolution 1994/14 of 25 February 1994,

Recalling further its resolutions 1993/36 of 25 August 1993, 1992/26 of 27 August 1992 and 1991/26 of 29 August 1991,

1. Expresses its appreciation to the Special Rapporteur on the right to adequate housing, Mr. Rajindar Sachar, for his second progress report (E/CN.4/Sub.2/1994/20);

2. Welcomes the preliminary recommendations and conclusions contained in the second progress report (chap. X) addressed to both the United Nations system and to Governments, and urges the respective entities to implement the relevant recommendations in a timely fashion;

3. Takes note with interest of the draft international convention on housing rights contained in the second progress report (chap. IX);

4. Invites States, United Nations specialized and other agencies, international and regional intergovernmental organizations, and non-governmental and community-based organizations to provide the Special Rapporteur with their views and comments on all aspects of the right to adequate housing, in particular the draft international convention on housing rights, for consideration in the preparation of his final report;

5. Encourages the Preparatory Committee for the World Summit for Social Development, to be held in March 1995, to take full account in its agenda and plan of action of the views of the Special Rapporteur on the right to adequate housing and ongoing activities of the United Nations concerning housing rights;

6. Encourages the Preparatory Committee for the United Nations Conference on Human Settlements (Habitat II), to be held in 1996, to take full account in its agenda and plan of action of the views of the Special Rapporteur on the right to adequate housing and ongoing activities of the United Nations concerning housing rights, and to undertake specific activities with regard to the agenda and plan of action on the human right to adequate housing within the context of Habitat II;

7. Invites the United Nations Centre on Human Settlements (Habitat) to consider implementing the proposals made to it by the Special Rapporteur in his second progress report (paras. 88-90);

8. Requests the Special Rapporteur to submit his final report on the right to adequate housing to the Sub-Commission at its forty-seventh session;

9. Requests the Secretary-General to provide the Special Rapporteur with all the assistance he requires for the preparation of his final report, and in particular the necessary expert assistance to compile and analyse the information and documents he receives;

10. Also requests the Secretary-General to organize an expert seminar on the right to adequate housing, prior to the completion of the final report, in order to discuss appropriate, effective and comprehensive conclusions and recommendations;

11. Decides to consider the final report and to develop a series of concrete measures based upon it at its forty-seventh session under the agenda item entitled "The realization of economic, social and cultural rights";

12. Recommends the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution IV.]

36th meeting
26 August 1994
[Adopted without a vote. See chap. IX.]

1994/39. Forced evictions

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolutions 1991/12 of 26 August 1991, 1992/14 of 27 August 1992 and 1993/41 of 28 August 1993,

Recalling also Commission on Human Rights resolution 1993/77 of 10 March 1993,

Reaffirming that every woman, man and child has the right to a secure place to live in peace and dignity,

Concerned that, according to United Nations statistics, in excess of one billion persons throughout the world are homeless or inadequately housed, and that this number is growing,

Recognizing that the practice of forced eviction involves the involuntary removal of persons, families and groups from their homes and communities, resulting in increased levels of homelessness, the loss of livelihood, landlessness, inadequate housing and living conditions and growing levels of poverty,

Disturbed that forced evictions and homelessness intensify social conflict and inequality and invariably affect the poorest, most socially, economically, environmentally and politically disadvantaged and vulnerable sectors of society,

Aware that forced evictions can be carried out, sanctioned, demanded, proposed, initiated or tolerated by a range of actors,

Aware also that racially motivated and other discriminatory motives are behind a large number of forced evictions,

Emphasizing that ultimate legal responsibility for preventing forced evictions rests with Governments, _Recalling_ that General Comment No. 2 (1990) on international technical assistance measures, adopted by the Committee on Economic, Social and Cultural Rights at its fourth session, states, _inter alia_, that international agencies should scrupulously avoid involvement in projects which involve, among other things, large-scale evictions or displacement of persons without the provision of all appropriate protection and compensation (E/1990/23, annex III, para. 6),

Mindful of the questions concerning forced eviction included in the guidelines for States parties' reports submitted in conformity with articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights (E/1991/23, annex IV),

Noting with appreciation that the Committee on Economic, Social and Cultural Rights, in its General Comment No. 4 (1991), considered that instances of forced eviction were, _prima facie_, incompatible with the requirements of the International Covenant on Economic, Social and Cultural Rights and could only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law (E/1992/23, annex III, para. 18),

Recalling the conclusions and recommendations contained in the analytical report compiled by the Secretary-General on forced evictions (E/CN.4/1994/20), submitted to the Commission on Human Rights at its fiftieth session,

Noting the concluding observations of the Committee on Economic, Social and Cultural Rights at its fifth (1990) to tenth (1994) sessions concerning forced evictions within specific States parties,

Noting also the inclusion of forced evictions as one of the primary causes of the international housing crisis in the working paper and the first and second progress reports of the Special Rapporteur on promoting the realization of the right to adequate housing, Mr. Rajindar Sachar (E/CN.4/Sub.2/1992/15, E/CN.4/Sub.2/1993/15 and E/CN.4/Sub.2/1994/20),

1. _Reaffirms_ that the practice of forced eviction constitutes a gross violation of a broad range of human rights, in particular the right to adequate housing;

2. _Strongly urges_ Governments to undertake immediately all necessary measures, at all levels, towards eliminating the practice of forced eviction, in particular those Governments on whose territories forced evictions are currently planned to take place;

3. _Also strongly urges_ Governments to confer legal security of tenure on all persons currently threatened with forced eviction and to adopt all necessary legal, administrative and other measures giving full protection against forced eviction, based upon effective participation, consultation and negotiation with affected persons or groups;

4. Recommends that all Governments provide immediate restitution, compensation and/or appropriate and sufficient alternative accommodation or land, consistent with their wishes or needs, to persons and communities that have been forcibly evicted, following mutually satisfactory negotiations with the affected persons or groups;

5. Invites all international financial, trade, development and other related institutions and agencies, in particular those associated with the United Nations, to take fully into account the views contained in the present resolution, and pronouncements under international law on the practice of forced eviction;

6. Invites the Committee on Economic, Social and Cultural Rights to consider adopting a general comment on forced evictions with reference to the specific obligations of States parties as contained in the International Covenant on Economic, Social and Cultural Rights, in particular as they relate to the right to adequate food and housing;

7. Invites all country and thematic rapporteurs of both the Sub-Commission and the Commission on Human Rights to include cases of forced eviction in their respective reports and to seek to monitor consistently the practice of forced evictions as it relates to the countries and themes involved;

8. Invites the treaty bodies to examine forced evictions within the context of their respective mandates;

9. Requests the Preparatory Committee for the United Nations Conference on Human Settlements (Habitat II), to be held in 1996, to address the issue of forced eviction, in particular as a violation of the right to adequate housing, in the agenda, the principles and guidelines and the plan of action to be developed within the framework of the Conference;

10. Requests the Secretary-General, in view of the numerous developments concerning this practice within various programmes of the United Nations, to compile and publish, within the Human Rights Fact Sheet series, a fact sheet on forced evictions and human rights;

11. Requests the Commission on Human Rights to consider how best to proceed with further activities on the question of forced eviction under the agenda item dealing with the realization of economic, social and cultural rights;

12. Requests the Secretary-General, in accordance with paragraph 172 of his analytical report (E/CN.4/1994/20), to prepare a series of guidelines on international events and forced evictions;

13. _Decides_ to consider the issue of forced evictions at its forty-seventh session under the agenda item entitled "The realization of economic, social and cultural rights" and to determine at its forty-seventh session how most effectively to continue its consideration of the issue of forced evictions.

36th meeting
26 August 1994
[Adopted without a vote. See chap. IX.]

1994/40. _Human rights and income distribution_

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming the indivisibility, interdependence and interrelated nature of economic, social and cultural rights and civil and political rights,

Mindful that the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and a wide range of additional texts provide unequivocally that all persons are entitled to the full realization of economic, social and cultural rights,

Taking note of the Declaration on the Right to Development (General Assembly resolution 41/128 of 4 December 1986, annex),

Recalling paragraph I.10 of the Vienna Declaration and Programme of Action (A/CONF.157/23), in which the World Conference on Human Rights, _inter alia_, reaffirmed the right to development as a universal and inalienable right and an integral part of human rights, and urged States and the international community to promote an effective international cooperation for the realization of the right to development and the elimination of obstacles to development,

Aware that all States have legally binding obligations to respect, protect and fulfil economic, social and cultural rights,

Convinced that education plays a fundamental role for the exercise of human rights and for providing equality of opportunity for all,

Recalling the reports of the Special Rapporteur on the realization of economic, social and cultural rights, Mr. Danilo Türk, in particular his final report, which addressed a range of issues concerning the relationship between the enjoyment of human rights and income distribution (E/CN.4/Sub.2/1992/16, paras. 76-84),

Concerned that the implementation of economic, social and cultural rights in general and the right to education in particular have not yet received sufficient attention within the United Nations human rights framework, Noting its resolution 1993/40 of 26 August 1993 in which it decided to entrust Mr. Asbjørn Eide with the task of producing, without financial implications, a preparatory document on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution, at both national and international levels, taking also into account matters relating to the realization of the right to development, with a view to determining how most effectively to strengthen activities in this field,

Noting also Commission on Human Rights resolution 1994/20 of 1 March 1994, in which the Commission endorsed the decision of the Sub-Commission and encouraged the Sub-Commission to continue to give attention to this issue,

Aware that the relationship between income distribution and growing levels of poverty, as well as the violation of human rights, requires further in-depth research and analysis by the human rights community,

Reiterating the fundamental principles of equality of treatment, human dignity, equity and justice,

Affirming the inherent linkages between the enjoyment of all human rights, in particular economic, social and cultural rights, and the striving towards a more equitable distribution of economic resources both within and between nations,

1. Welcomes the preparatory document on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution, prepared by Mr. Asbjørn Eide (E/CN.4/Sub.2/1994/21);

2. Endorses his conclusion that concentration of wealth constitutes serious obstacles to the realization of human rights, be they economic, social, cultural, political or civil, and that equality of opportunity is an essential element for participating effectively in the processes of development and for obtaining a just share of the benefits from it;

3. Decides to appoint Mr. José Bengoa as Special Rapporteur on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution, at both national and international levels, taking also into account matters relating to the realization of the right to development, with a view to determining how most effectively to strengthen activities in this field;

4. Requests the Special Rapporteur to pay particular attention to the impact of the enjoyment of human rights, and that of the right to education in particular, on income distribution;

5. Also requests the Special Rapporteur to submit a preliminary report at its forty-seventh session, a progress report at its forty-eighth session and a final report at its forty-ninth session;

6. Requests the Secretary-General to invite Governments, United Nations bodies, the specialized agencies and intergovernmental and non-governmental organizations to provide the Special Rapporteur with information relevant to the preparation of his report;

7. Also requests the Secretary-General to provide the Special Rapporteur with all the assistance he may require for the preparation of his study;

8. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 11.]

36th meeting
26 August 1994
[Adopted without a vote. See chap. IX.]

1994/41. Human rights and extreme poverty

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling Commission on Human Rights resolutions 1992/11 of 21 February 1992 and 1993/13 of 26 February 1993 and its own resolution 1992/27 of 27 August 1992 concerning the execution by the Sub-Commission of a study on human rights and extreme poverty and the appointment of Mr. Leandro Despouy as Special Rapporteur on that question,

Recalling its resolution 1993/35 of 25 August 1993, in which it took note with appreciation of the preliminary report of the Special Rapporteur (E/CN.4/Sub.2/1993/16),

Noting Commission on Human Rights resolution 1994/12 of 25 February 1994, in which the Commission approved the recommendations of the Special Rapporteur relating to the organization of a seminar on extreme poverty and the denial of human rights at a time close to the International Day for the Eradication of Poverty, instituted on 17 October of each year by the General Assembly in its resolution 47/196 of 22 December 1992, and endorsed Sub-Commission resolution 1993/35 taking note of the preliminary report of the Special Rapporteur,

1. Takes note with appreciation of the interim report on human rights and extreme poverty (E/CN.4/Sub.2/1994/19) submitted by the Special Rapporteur, Mr. Leandro Despouy;

2. Welcomes the approach proposed by the Special Rapporteur in his report;

3. Approves the proposals of the Special Rapporteur concerning the holding of a seminar on the topic "Extreme poverty and the denial of human rights" approved by the Commission and scheduled for 12-14 October 1994 in New York, and in particular the proposals intended to encourage participation and statements by persons living in extreme poverty and persons working alongside them in a genuine partnership, thereby responding to paragraphs I.14 and I.25 of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993 (A/CONF.157/23);

4. Requests the Special Rapporteur to submit, at its forty-seventh session, a second interim report on the topic of human rights and extreme poverty taking account of the comments made, particularly by the members of the Sub-Commission, during consideration of his first interim report, and the results of the seminar on the topic "Extreme poverty and the denial of human rights", and including the initial results of his consultation with persons living in extreme poverty and persons working alongside them;

5. Considers that it would be useful for the Special Rapporteur to submit the results of the seminar to the Commission on Human Rights at its fifty-first session and to the World Summit for Social Development to be held at Copenhagen in March 1995;

6. Expresses the wish that the consultation undertaken by the Special Rapporteur should be continued, and invites Governments, intergovernmental organizations, specialized agencies and non-governmental organizations that have not yet done so to answer the questionnaire prepared by him;

7. Requests the Special Rapporteur to submit to it, at its forty-eighth session, a final report focusing on the results of his consultation with persons living in extreme poverty and persons working alongside them, and taking account of the conclusions and relevant data emerging from the World Summit for Social Development in March 1995 and the Fourth World Conference on Women to be held in Beijing in 1995, and of the activities to be undertaken in 1996, which has been proclaimed by the General Assembly International Year for the Eradication of Poverty in resolution 48/183 of 21 December 1993;

8. Requests the Secretary-General to make available to the Special Rapporteur the human and material resources necessary for the fulfilment of his mandate, in particular for the holding of the seminar on the topic "Extreme poverty and the denial of human rights";

9. Recommends the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution V.]

36th meeting
26 August 1994
[Adopted without a vote. See chap. IX.]

1994/42. Human rights dimensions of population transfer, including the implantation of settlers and settlements

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1990/17 of 30 August 1990 and 1991/28 of 29 August 1991, in which it decided to include the question of the human rights dimensions of population transfer, including the implantation of settlers and settlements, in its future work programme with a view to considering further effective action on this matter, and its resolution 1992/28 of 27 August 1992, in which it decided to entrust Mr. Awn Shawkat Al-Khasawneh and Mr. Ribot Hatano with the task of preparing a preliminary study on the question,

Recalling also its resolution 1993/34 of 25 August 1993 and Commission on Human Rights decision 1994/102 of 25 February 1994 requesting Mr. Al-Khasawneh to continue the study,

Recalling further that the Sub-Commission in its resolution 1992/28 recognized that practices of population transfer constitute a violation of fundamental human rights,

1. Takes note with appreciation and commends the progress report on the human rights dimensions of population transfer, including the implantation of settlers and settlements (E/CN.4/Sub.2/1994/18 and Corr.1) submitted by the Special Rapporteur, in particular section VI on state responsibility and population transfer;

2. Endorses the conclusions and recommendations contained in the progress report;

3. Requests the Special Rapporteur to submit a final report on the question to the Sub-Commission at its forty-seventh session;

4. Invites the Special Rapporteur to give due attention to cases of population transfer submitted to him in accordance with Commission decision 1994/102;

5. Welcomes Economic and Social Council decision 1994/272 of 25 July 1994 authorizing the organization of a multidisciplinary expert seminar prior to the preparation of the final report, in order to formulate appropriate final conclusions and recommendations;

6. Requests the Secretary-General to invite the Governments, United Nations bodies and intergovernmental and non-governmental organizations concerned which have not yet done so to provide the Special Rapporteur with information relevant to the preparation of his reports;

7. Also requests the Secretary-General to provide the Special Rapporteur with all the assistance he may require for the preparation of his final report and the necessary assistance to compile and analyse the information and documents collected;

8. Invites the Special Rapporteur to undertake visits to the sites of diverse ongoing cases of population transfer selected on the basis of information received for his reports;

9. Decides to consider the final report of the Special Rapporteur at its forty-seventh session under the agenda item entitled "Freedom of movement".

36th meeting
26 August 1994
[Adopted without a vote. See chap. IX.]

1994/43. Human rights of women and the girl child

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1992/4 of 14 August 1992,

Recalling also the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, which states that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights and that the human rights of women should form an integral part of the United Nations human rights activities (A/CONF.157/23, para. I.18),

Welcoming Commission on Human Rights resolutions 1993/46 of 8 March 1993 and 1994/45 of 4 March 1994 regarding the integration of the equal status of women and the human rights of women into the mainstream of United Nations system-wide activity,

Welcoming also the appointment by the Commission on Human Rights of the Special Rapporteur on violence against women and the appointment of a focal point for the human rights of women within the Centre for Human Rights,

1. Decides to consider the human rights of women and the girl child under every relevant item of its agenda, as well as in all relevant studies undertaken by the Sub-Commission;

2. Requests that all reports submitted at its forty-seventh session contain a gender perspective in their analyses and recommendations;

3. Appeals to all Governments that have not yet done so to ratify the Convention on the Elimination of All Forms of Discrimination against Women;

4. Requests the Secretary-General to obtain the views of the Committee on the Elimination of Discrimination against Women and the Commission on the Status of Women on the question whether it would be desirable to have an advisory opinion on the value and legal effect of reservations concerning the Convention on the Elimination of All Forms of Discrimination against Women, and to invite those bodies to formulate, in their replies, any other observations on the question of reservations to that Convention they consider appropriate;

5. Also requests the Secretary-General to ensure that United Nations human rights and humanitarian relief personnel recognize and deal with the human rights violations particular to women and carry out their work without gender bias;

6. Further requests the Secretary-General to report to the Sub-Commission at its forty-seventh session on the steps taken since the World Conference on Human Rights by special rapporteurs, experts, working groups, treaty bodies and other mechanisms of the Commission and the Sub-Commission to implement the integration of women's human rights into the United Nations system;

7. Decides to replace the title of the item by "The implementation of the human rights of women".

36th meeting
26 August 1994
[Adopted without a vote. See chap. XII.]

1994/44. Relocation of Navajo and Hopi families

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1989/37 of 1 September 1989 and 1990/34 of 31 August 1990 concerning the relocation of Navajo and Hopi families from northern Arizona in the United States of America,

Recalling also the reports prepared by Ms. Erica-Irene Daes and Mr. John Carey (E/CN.4/Sub.2/1989/35, part I and part II and Add.1) pursuant to its decision 1988/105 of 1 September 1988,

Mindful of the conclusions contained in the working paper on human rights dimensions of population transfer, including the implantation of settlers and settlements prepared by Ms. Christy Mbonu (E/CN.4/Sub.2/1981/47), with respect to the impact of such activities on the enjoyment of human rights,

1. Recommends that members of the Navajo Nation and Hopi Tribal Council participate in court-ordered mediation to seek a peaceful settlement of the situation;

2. Expresses the hope that mediation will result in a settlement that respects the rights and dignity of the families directly affected;

3. Appeals to the Government of the United States of America to ensure, through cooperation with the court-appointed mediator, that no further relocation of these families takes place;

4. Requests the mediator to submit all relevant information regarding the human rights aspects of the case in question and the outcome of the mediation to the Sub-Commission;

5. Decides to monitor the situation and gather information, including the mediator's reports, for the future work of and consideration by the members of the Sub-Commission and other bodies of the United Nations;

6. Requests the Secretary-General to invite indigenous peoples' organizations, Governments and non-governmental organizations to submit information concerning the progress of the court-ordered mediation for consideration by the Sub-Commission at its forty-seventh session.

36th meeting
26 August 1994
[Adopted without a vote. See chap. XVI.]

1994/45. Draft United Nations declaration on the rights of indigenous peoples

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolutions 1985/22 of 29 August 1985, 1991/30 of 29 August 1991, 1992/33 of 27 August 1992, 1993/46 of 26 August 1993,

Taking into account, in particular, paragraph 3 of its resolution 1993/46, in which it decided to postpone until its forty-sixth session consideration of the draft United Nations declaration on the rights of indigenous peoples agreed upon by the members of the Working Group on Indigenous Populations, to request the Secretary-General to submit the draft declaration to the appropriate services in the Centre for Human Rights for its technical revision, and to submit, if possible, the draft declaration to the Commission on Human Rights with the recommendation that the Commission adopt it at its fifty-first session,

Recalling Commission on Human Rights resolution 1994/29 of 4 March 1994, in which the Sub-Commission was urged to complete its consideration of the draft United Nations declaration at its forty-sixth session and to submit it to the Commission at its fifty-first session together with any recommendations thereon,

Bearing in mind General Assembly resolution 47/75 of 14 December 1992, paragraph 12 of Commission on Human Rights resolution 1993/30 of 5 March 1993, paragraph 6 (a) of Commission resolution 1993/31 of 5 March 1993 and paragraph II.28 of the Vienna Declaration and Programme of Action (A/Conf.157/23), Having considered the report of the Working Group on Indigenous Populations on its twelfth session (E/CN.4/Sub.2/1994/30 and Corr.1), in particular the general comments on the draft declaration and the recommendations contained in chapters II and IX respectively of the report,

Taking into account the technical review of the draft declaration prepared by the Centre for Human Rights (E/CN.4/Sub.2/1994/2 and Add.1),

1. Expresses its satisfaction at the conclusion of the deliberations on the draft United Nations declaration on the rights of indigenous peoples by the Working Group on Indigenous Populations and the general views of the participants as reflected in the report of the Working Group on its twelfth session;

2. Expresses its appreciation to the Chairperson-Rapporteur of the Working Group, Ms. Erica-Irene Daes, and to the present and former members of the Working Group for their contributions to the process of elaboration of the draft declaration;

3. Expresses its appreciation to the Centre for Human Rights for its technical revision of the draft declaration;

4. Decides:

(a) To adopt the draft United Nations declaration on the rights of indigenous peoples agreed upon by members of the Working Group as contained in the annex to the present resolution;

(b) To submit the draft declaration to the Commission on Human Rights at its fifty-first session with the request that it consider the draft as expeditiously as possible;

(c) To request the Secretary-General to transmit the text of the draft declaration to indigenous peoples and organizations, Governments and intergovernmental organizations and to include in the note of transmittal the information that the draft declaration is to be submitted to the Commission on Human Rights at its fifty-first session;

5. Recommends that the Commission on Human Rights and the Economic and Social Council take effective measures to ensure that representatives of indigenous peoples are able to participate in the consideration of the draft declaration by these two bodies, regardless of their consultative status with the Economic and Social Council.

36th meeting
26 August 1994
[Adopted without a vote. See chap. XVI.]

Annex

DRAFT UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

Affirming that indigenous peoples are equal in dignity and rights to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such,

Affirming also that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind,

Affirming further that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin, racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust,

Reaffirming also that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind,

Concerned that indigenous peoples have been deprived of their human rights and fundamental freedoms, resulting, inter alia, in their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests,

Recognizing the urgent need to respect and promote the inherent rights and characteristics of indigenous peoples, especially their rights to their lands, territories and resources, which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies,

Welcoming the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement and in order to bring an end to all forms of discrimination and oppression wherever they occur,

Convinced that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs,

Recognizing also that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment,

Emphasizing the need for demilitarization of the lands and territories of indigenous peoples, which will contribute to peace, economic and social progress and development, understanding and friendly relations among nations and peoples of the world, Recognizing in particular the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children,

Recognizing also that indigenous peoples have the right freely to determine their relationships with States in a spirit of coexistence, mutual benefit and full respect,

Considering that treaties, agreements and other arrangements between States and indigenous peoples are properly matters of international concern and responsibility,

Acknowledging that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights affirm the fundamental importance of the right of self-determination of all peoples, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Bearing in mind that nothing in this Declaration may be used to deny any peoples their right of self-determination,

Encouraging States to comply with and effectively implement all international instruments, in particular those related to human rights, as they apply to indigenous peoples, in consultation and cooperation with the peoples concerned,

Emphasizing that the United Nations has an important and continuing role to play in promoting and protecting the rights of indigenous peoples,

Believing that this Declaration is a further important step forward for the recognition, promotion and protection of the rights and freedoms of indigenous peoples and in the development of relevant activities of the United Nations system in this field,

Solemnly proclaims the following United Nations Declaration on the Rights of Indigenous Peoples:

PART I

Article 1

Indigenous peoples have the right to the full and effective enjoyment of all human rights and fundamental freedoms recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.

Article 2

Indigenous individuals and peoples are free and equal to all other individuals and peoples in dignity and rights, and have the right to be free from any kind of adverse discrimination, in particular that based on their indigenous origin or identity.

Article 3

Indigenous peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 4

Indigenous peoples have the right to maintain and strengthen their distinct political, economic, social and cultural characteristics, as well as their legal systems, while retaining their rights to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

Article 5

Every indigenous individual has the right to a nationality.

PART II

Article 6

Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and to full guarantees against genocide or any other act of violence, including the removal of indigenous children from their families and communities under any pretext.

In addition, they have the individual rights to life, physical and mental integrity, liberty and security of person.

Article 7

Indigenous peoples have the collective and individual right not to be subjected to ethnocide and cultural genocide, including prevention of and redress for:

(a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;

(b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;

(c) Any form of population transfer which has the aim or effect of violating or undermining any of their rights;

(d) Any form of assimilation or integration by other cultures or ways of life imposed on them by legislative, administrative or other measures;

(e) Any form of propaganda directed against them.

Article 8

Indigenous peoples have the collective and individual right to maintain and develop their distinct identities and characteristics, including the right to identify themselves as indigenous and to be recognized as such.

Article 9

Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No disadvantage of any kind may arise from the exercise of such a right.

Article 10

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

Article 11

Indigenous peoples have the right to special protection and security in periods of armed conflict.

States shall observe international standards, in particular the Fourth Geneva Convention of 1949, for the protection of civilian populations in circumstances of emergency and armed conflict, and shall not:

(a) Recruit indigenous individuals against their will into the armed forces and, in particular, for use against other indigenous peoples;

(b) Recruit indigenous children into the armed forces under any circumstances;

(c) Force indigenous individuals to abandon their lands, territories or means of subsistence, or relocate them in special centres for military purposes;

(d) Force indigenous individuals to work for military purposes under any discriminatory conditions.

PART III

Article 12

Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artifacts, designs, ceremonies, technologies and visual and performing arts and literature, as well as the right to the restitution of cultural, intellectual, religious and spiritual property taken without their free and informed consent or in violation of their laws, traditions and customs.

Article 13

Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of ceremonial objects; and the right to the repatriation of human remains.

States shall take effective measures, in conjunction with the indigenous peoples concerned, to ensure that indigenous sacred places, including burial sites, be preserved, respected and protected.

Article 14

Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

States shall take effective measures, whenever any right of indigenous peoples may be threatened, to ensure this right is protected and also to ensure that they can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

PART IV

Article 15

Indigenous children have the right to all levels and forms of education of the State. All indigenous peoples also have this right and the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.

Indigenous children living outside their communities have the right to be provided access to education in their own culture and language.

States shall take effective measures to provide appropriate resources for these purposes.

Article 16

Indigenous peoples have the right to have the dignity and diversity of their cultures, traditions, histories and aspirations appropriately reflected in all forms of education and public information.

States shall take effective measures, in consultation with the indigenous peoples concerned, to eliminate prejudice and discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all segments of society.

Article 17

Indigenous peoples have the right to establish their own media in their own languages. They also have the right to equal access to all forms of non-indigenous media.

States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity.

Article 18

Indigenous peoples have the right to enjoy fully all rights established under international labour law and national labour legislation.

Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour, employment or salary.

PART V

Article 19

Indigenous peoples have the right to participate fully, if they so choose, at all levels of decision-making in matters which may affect their rights, lives and destinies through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Article 20

Indigenous peoples have the right to participate fully, if they so choose, through procedures determined by them, in devising legislative or administrative measures that may affect them.

States shall obtain the free and informed consent of the peoples concerned before adopting and implementing such measures.

Article 21

Indigenous peoples have the right to maintain and develop their political, economic and social systems, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities. Indigenous peoples who have been deprived of their means of subsistence and development are entitled to just and fair compensation.

Article 22

Indigenous peoples have the right to special measures for the immediate, effective and continuing improvement of their economic and social conditions, including in the areas of employment, vocational training and retraining, housing, sanitation, health and social security.

Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and disabled persons.

Article 23

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to determine and develop all health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

Article 24

Indigenous peoples have the right to their traditional medicines and health practices, including the right to the protection of vital medicinal plants, animals and minerals.

They also have the right to access, without any discrimination, to all medical institutions, health services and medical care.

PART VI

Article 25

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual and material relationship with the lands, territories, waters and coastal seas and other resources which they have traditionally owned or otherwise occupied or used, and to uphold their responsibilities to future generations in this regard.

Article 26

Indigenous peoples have the right to own, develop, control and use the lands and territories, including the total environment of the lands, air, waters, coastal seas, sea-ice, flora and fauna and other resources which they have traditionally owned or otherwise occupied or used. This includes the right to the full recognition of their laws, traditions and customs, land-tenure systems and institutions for the development and management of resources, and the right to effective measures by States to prevent any interference with, alienation of or encroachment upon these rights.

Article 27

Indigenous peoples have the right to the restitution of the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, occupied, used or damaged without their free and informed consent. Where this is not possible, they have the right to just and fair compensation. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status.

Article 28

Indigenous peoples have the right to the conservation, restoration and protection of the total environment and the productive capacity of their lands, territories and resources, as well as to assistance for this purpose from States and through international cooperation. Military activities shall not take place in the lands and territories of indigenous peoples, unless otherwise freely agreed upon by the peoples concerned.

States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands and territories of indigenous peoples.

States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

Article 29

Indigenous peoples are entitled to the recognition of the full ownership, control and protection of their cultural and intellectual property.

They have the right to special measures to control, develop and protect their sciences, technologies and cultural manifestations, including human and other genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs and visual and performing arts.

Article 30

Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands, territories and other resources, including the right to require that States obtain their free and informed consent prior to the approval of any project affecting their lands, territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

Pursuant to agreement with the indigenous peoples concerned, just and fair compensation shall be provided for any such activities and measures taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

PART VII

Article 31

Indigenous peoples, as a specific form of exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, including culture, religion, education, information, media, health, housing, employment, social welfare, economic activities, land and resources management, environment and entry by non-members, as well as ways and means for financing these autonomous functions.

Article 32

Indigenous peoples have the collective right to determine their own citizenship in accordance with their customs and traditions. Indigenous citizenship does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.

Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

Article 33

Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive juridical customs, traditions, procedures and practices, in accordance with internationally recognized human rights standards.

Article 34

Indigenous peoples have the collective right to determine the responsibilities of individuals to their communities.

Article 35

Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with other peoples across borders.

States shall take effective measures to ensure the exercise and implementation of this right.

Article 36

Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors, according to their original spirit and intent, and to have States honour and respect such treaties, agreements and other constructive arrangements. Conflicts and disputes which cannot otherwise be settled should be submitted to competent international bodies agreed to by all parties concerned.

PART VIII

Article 37

States shall take effective and appropriate measures, in consultation with the indigenous peoples concerned, to give full effect to the provisions of this Declaration. The rights recognized herein shall be adopted and included in national legislation in such a manner that indigenous peoples can avail themselves of such rights in practice.

Article 38

Indigenous peoples have the right to have access to adequate financial and technical assistance, from States and through international cooperation, to pursue freely their political, economic, social, cultural and spiritual development and for the enjoyment of the rights and freedoms recognized in this Declaration.

Article 39

Indigenous peoples have the right to have access to and prompt decision through mutually acceptable and fair procedures for the resolution of conflicts and disputes with States, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall take into consideration the customs, traditions, rules and legal systems of the indigenous peoples concerned.

Article 40

The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.

Article 41

The United Nations shall take the necessary steps to ensure the implementation of this Declaration including the creation of a body at the highest level with special competence in this field and with the direct participation of indigenous peoples. All United Nations bodies shall promote respect for and full application of the provisions of this Declaration.

PART IX

Article 42

The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

Article 43

All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.

Article 44

Nothing in this Declaration may be construed as diminishing or extinguishing existing or future rights indigenous peoples may have or acquire.

Article 45

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations.

1994/46. Discrimination against indigenous peoples

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind that one of the purposes of the United Nations, as set forth in the Charter, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and fundamental freedoms for all without discrimination as to race, sex, language or religion,

Reaffirming the urgent need to recognize, promote and protect more effectively the human rights and fundamental freedoms of indigenous peoples,

Recalling Economic and Social Council resolution 1982/34 of 7 May 1982, in which the Council authorized the Sub-Commission to establish annually a working group on indigenous populations, Recalling also General Assembly resolution 48/163 of 21 December 1993 on the International Decade of the World's Indigenous People,

Taking note with appreciation of the report of the Working Group on its twelfth session (E/CN.4/Sub.2/1994/30) and, in particular, of its conclusions and recommendations,

Taking note also of Commission on Human Rights resolution 1993/30 of 5 March 1993, in which the Commission recommended to all thematic rapporteurs, special representatives, independent experts and working groups to pay special attention, within the framework of their mandates, to the situation of indigenous people,

Mindful of the relevant recommendations adopted by the World Conference on Human Rights, in particular those contained in Part I, paragraph 20 and Part II, paragraphs 28 to 32 of the Vienna Declaration and Programme of Action (A/CONF.157/23),

1. Expresses its deep appreciation to the Working Group on Indigenous Populations and in particular to its Chairperson-Rapporteur, Ms. Erica-Irene A. Daes, for the work accomplished during its twelfth session;

2. Welcomes the proclamation by the General Assembly in its resolution 48/163 of 21 December 1993 of the International Decade of the World's Indigenous People to begin on 10 December 1994;

3. Requests the Secretary-General to transmit the report of the Working Group on its twelfth session to indigenous peoples and organizations, Governments and intergovernmental and non-governmental organizations as well as to all thematic rapporteurs, special representatives, independent experts and working groups;

4. Requests the Commission on Human Rights to recommend to the Economic and Social Council that it approve the participation of the Chairperson-Rapporteur of the Working Group, Ms. Erica-Irene A. Daes, in the World Summit for Social Development, which will take place at Copenhagen in March 1995;

5. Requests the Secretary-General to prepare an annotated agenda for the thirteenth session of the Working Group on Indigenous Populations containing, inter alia, the following items: standard-setting activities, review of developments, the study of treaties and agreements and other constructive arrangements between States and indigenous peoples, the International Decade of the World's Indigenous People, a permanent forum for indigenous people, the Voluntary Fund for Indigenous Populations and the United Nations operational activities and indigenous peoples;

6. Recommends the Commission on Human Rights to request the Economic and Social Council that the Working Group be authorized to meet for eight working days prior to the forty-seventh session of the Sub-Commission;

7. *Decides* to recommend to the Commission on Human Rights the following draft decision for adoption.

[For the text, see chap. I, sect. B, draft resolution 12.]

36th meeting
26 August 1994
[Adopted without a vote. See chap. XVI.]

1994/47. International Decade of the World's Indigenous People

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind that one of the purposes of the United Nations, as set forth in the Charter, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling General Assembly resolution 48/163 of 21 December 1993, in which the Assembly proclaimed the International Decade of the World's Indigenous People, and Commission on Human Rights resolution 1994/26 of 4 March 1994,

Recalling also that the General Assembly in resolution 48/163 requested the Commission on Human Rights to invite the Working Group on Indigenous Populations to identify an appropriate date for the celebration of the International Day of Indigenous People,

Recalling further that the Commission on Human Rights in resolution 1994/26 requested the Working Group to identify possible programmes, projects and other activities in connection with the Decade,

Recognizing the importance of consulting and cooperating with indigenous peoples and the need for financial support from within the United Nations, and aware of the need to build on the results and lessons of the International Year,

Having considered the report of the Working Group on Indigenous Populations on its twelfth session (E/CN.4/Sub.2/1994/30),

1. *Welcomes* the proclamation by the General Assembly in its resolution 48/163 of 21 December 1993 of the International Decade of the World's Indigenous People, commencing on 10 December 1994;

2. *Also welcomes* the decision of the General Assembly that the goal of the Decade should be the strengthening of international cooperation for the solution of problems faced by indigenous people in areas such as human rights, the environment, development, education and health;

3. Stresses the importance of achieving the adoption of the draft United Nations declaration on the rights of indigenous peoples by the General Assembly before the conclusion of the Decade;

4. Takes note with appreciation of the note on the International Decade of the World's Indigenous People prepared by the Chairperson-Rapporteur of the Working Group on Indigenous Populations, Ms. Erica-Irene Daes (E/CN.4/Sub.2/1994/52);

5. Recommends that the International Decade have an operational focus and that the theme for the Decade be "Indigenous peoples: a new relationship: partnership in action";

6. Also recommends that attention be paid to improving the extent and effectiveness of indigenous participation in planning and implementing the activities for the Decade, including through the recruitment of indigenous staff by all relevant United Nations bodies and agencies, funds for this purpose being provided from the regular budget of the United Nations and the specialized agencies;

7. Decides to recommend that the International Day of Indigenous People be observed every year on 9 August, that date being the anniversary of the first day of the first meeting of the Working Group on Indigenous Populations in 1982;

8. Recommends that the Secretary-General establish, during the first quarter of 1995, the voluntary fund for the Decade foreseen in paragraph 14 of General Assembly resolution 48/163 and that he consider the appointment of a board of trustees including indigenous members to administer the fund;

9. Also recommends that a second technical meeting on the International Decade be convened prior to the thirteenth session of the Working Group on Indigenous Populations to consider the final programme of action for the Decade and that its suggestions be referred to the Working Group for elaboration;

10. Requests the Secretary-General to consider renewing the appointment of Ms. Rigoberta Menchú Tum as United Nations Goodwill Ambassador.

36th meeting
26 August 1994
[Adopted without a vote. See chap. XVI.]

1994/48. Protection of the heritage of indigenous people

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1991/32 of 29 August 1991 in which it decided t entrust Ms. Erica-Irene A. Daes, as Special Rapporteur, with the task of preparing a study of measures which should be taken by the international community to strengthen respect for the cultural property of indigenous peoples, Recalling also Economic and Social Council decision 1992/256 of 20 July 1992, in which the Council endorsed the appointment of Ms. Daes as Special Rapporteur with the mandate to prepare a study on the protection of the cultural and intellectual property of indigenous peoples,

Recalling further Commission on Human Rights decision 1994/105 of 4 March 1994 by which it decided to endorse the request of the Sub-Commission to the Special Rapporteur to expand her study on the protection of the cultural and intellectual property of indigenous people (E/CN.4/Sub.2/1993/28) with a view to elaborating draft principles and guidelines for the protection of the heritage of indigenous people and to submit a preliminary report to the Sub-Commission at its forty-sixth session, and that the title of the study as a whole should be "Protection of the heritage of the indigenous people",

Noting Commission on Human Rights resolution 1994/29 of 4 March 1994, in particular paragraph 14 in which it expressed its appreciation to the Special Rapporteur for her timely completion of the study,

Having considered the preliminary report prepared by the Special Rapporteur (E/CN.4/Sub.2/1994/31),

1. Expresses its deep appreciation to the Special Rapporteur, Ms. Erica-Irene A. Daes, for her comprehensive preliminary report on the protection of the heritage of indigenous people, as well as for her recommendations, and for the proposed principles and guidelines contained in the annex to the report;

2. Takes note of the recommendations contained in the report, as well as the principles and guidelines;

3. Requests the Secretary-General to submit the principles and guidelines to indigenous people's organizations, nations and communities, Governments, specialized agencies and intergovernmental and non-governmental organizations concerned for their comments;

4. Requests the Special Rapporteur to prepare her final report on the basis, inter alia, of the comments and information received and to submit it to the Sub-Commission at its forty-seventh session;

5. Requests the Secretary-General to provide the Special Rapporteur with the necessary assistance to enable her to carry out her mandate successfully;

6. Recommends the following draft decision to the Commission on Human Rights for adoption.

[For the text, see chap. I, sect. B, draft decision 14.]

36th meeting
26 August 1994
[Adopted without a vote. See chap. XVI.]

1994/49. Participation of indigenous persons and organizations in bodies of the United Nations during discussion of the draft United Nations declaration on the rights of indigenous peoples

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1993/46 of 26 August 1993, in which it recommended to the Commission on Human Rights and to the Economic and Social Council that they take special measures to enable indigenous peoples to participate fully and effectively, without regard to consultative status, in the consideration of the draft United Nations declaration on the rights of indigenous peoples,

Noting General Assembly resolution 48/163 of 21 December 1993 and Commission on Human Rights resolution 1994/26 of 4 March 1994,

Noting also that twelve indigenous organizations enjoy consultative status with the Economic and Social Council and that of these only one has its head office in the South,

Bearing in mind the request made by indigenous persons and organizations and certain observer Governments during the twelfth session of the Working Group on Indigenous Populations that steps be taken to ensure effective indigenous participation in future deliberations on the draft United Nations declaration on the rights of indigenous peoples in bodies of the United Nations regardless of consultative status with the Economic and Social Council,

1. Decides to recommend that the Commission on Human Rights approve the participation of indigenous persons and organizations, without regard to consultative status with the Economic and Social Council, during discussion of the draft United Nations declaration on the rights of indigenous peoples at meetings of United Nations bodies, including the Commission itself;

2. Also decides to recommend the following draft decision to the Commission on Human Rights for adoption.

[For the text, see chap. I, sect. B, draft decision 15.]

36th meeting
26 August 1994
[Adopted without a vote. See chap. XVI.]

1994/50. *Permanent forum in the United Nations for indigenous people*

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the purposes and principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Bearing in mind the recommendation contained in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights that the establishment of a permanent forum for indigenous people in the United Nations system should be considered (A/CONF.157/23, para. II.32),

Recalling General Assembly resolution 48/163 of 21 December 1993 and Commission on Human Rights resolution 1994/28 of 4 March 1994,

Noting the report of the secretariat on a permanent forum (E/CN.4/Sub.2/AC.4/1994/11) and the views expressed by Governments and indigenous organizations (E/CN.4/Sub.2/AC.4/1994/11/Add.1 and E/CN.4/Sub.2/AC.4/1994/CRP.3) and the notes of the Chairperson-Rapporteur of the Working Group on Indigenous Populations, Ms. Erica-Irene Daes (E/CN.4/Sub.2/AC.4/1994/13 and E/CN.4/Sub.2/1994/30, annex),

Taking into account the comments and suggestions of participants at the twelfth session of the Working Group on Indigenous Populations,

1. *Welcomes* the request to the Commission on Human Rights by the General Assembly in its resolution 48/163 of 21 December 1993 to give priority consideration to the establishment of a permanent forum for indigenous people in the United Nations system;

2. *Requests* the Secretary-General to invite Governments and indigenous organizations to express their views concerning the possible establishment of a permanent forum for indigenous people and to report on the comments and suggestions received to the Working Group on Indigenous Populations at its thirteenth session;

3. *Recommends* that any future permanent forum play an important role in operational coordination for development and that it enjoy observer status at all relevant Untied Nations bodies, including the Economic and Social Council, the Commission on Human Rights and the Commission on Sustainable Development;

4. *Also recommends* that the Centre for Human Rights organize a workshop on a possible permanent forum for indigenous people with the participation of representatives of Governments, indigenous organizations and independent experts.

36th meeting
26 August 1994
[Adopted without a vote. See chap. XVI.]

B. Decisions

1994/101. Adoption of the agenda of the forty-sixth session of the Sub-Commission

At its 1st meeting, on 1 August 1994, the Sub-Commission decided, without a vote: (i) to change agenda item 11, entitled "Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers" to sub-item 10 (e) with the same title; (ii) to delete agenda item 17 (b), entitled "Prevention of discrimination and protection of women" and insert a new agenda item 11, entitled "Prevention of discrimination against women".

[see chap. III.]

1994/102. Consideration of the situation of human rights in Rwanda

At its 2nd meeting, on 1 August 1994, the Sub-Commission decided, without a vote, to consider, as a matter of priority, the situation of human rights in Rwanda, under item 6, on 2 August 1994.

[see chap. VII.]

1994/103. Minute of silence

At its 3rd meeting, on 2 August 1994, the Sub-Commission, recalling its decision 1985/109 of 29 August 1985, decided, without a vote, to observe a minute of silence in honour of victims of all forms of violations of human rights in all regions of the world at its forty-sixth session, as well as at the commencement of its future annual sessions.

[see chap. III.]

1994/104. Establishment of a sessional working group on the administration of justice and the question of compensation of the Sub-Commission

At its 3rd meeting, on 2 August 1994, the Sub-Commission, recalling its resolution 1993/29 of 23 August 1993, decided: (i) by 11 votes to 8, with 4 abstentions, not to establish a separate sessional working group on the question of the right to compensation; (ii) without a vote, to establish a sessional working group on the administration of justice and the question of compensation in place of a sessional working group on detention.

[see chap. III.]

1994/105. Establishment of a sessional working group on methods of work of the Sub-Commission

At its 3rd meeting, on 2 August 1994, the Sub-Commission, recalling its resolution 1993/4 of 20 August 1993, decided, without a vote, to establish a sessional working group on methods of work of the Sub-Commission.

[see chap. III.]

1994/106. Organization of work

At its 3rd meeting, on 2 August 1994, the Sub-Commission decided, without a vote, to invite the following persons to participate in its meetings:

(a) In connection with item 3: Mr. Peter van Wulfften Palthe, Chairman of the fiftieth session of the Commission on Human Rights (pursuant to Commission on Human Rights resolution 1994/23 of 4 March 1993);

(b) In connection with item 4: Ms. Fatma Zohra Ksentini, to submit the final report on human rights and the environment (E/CN.4/Sub.2/1994/9);

(c) In connection with item 5 (a): Mr. Maurice Glélé-Anhanhanzo, Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination and xenophobia and related intolerance (pursuant to Sub-Commission resolution 1993/3 of 16 August 1993);

(d) In connection with item 8: Mr. Awn Shawkat Al-Khasawneh, to submit the progress report on the human rights dimensions of population transfer, including the policy and practice of the implantation of settlers and settlements (E/CN.4/Sub.2/1994/18 and Corr.1); Mr. Rajindar Sachar, to submit the second progress report on the right to adequate housing (E/CN.4/Sub.2/1994/20); and Mr. Leandro Despouy, to submit the interim report on human rights and extreme poverty (E/CN.4/Sub.2/1994/19);

(e) In connection with item 10: Mr. William Treat, to submit the final report on the right to a fair trial (E/CN.4/Sub.2/1994/24);

(f) In connection with item 10 (b): Mr. Leandro Despouy, to submit the seventh annual report and updated list on the question of human rights and states of emergency (E/CN.4/Sub.2/1994/23);

(g) In connection with items 16 and 17: Mr. Vitit Muntarbhorn, Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and pornography (pursuant to Commission on Human Rights resolution 1994/92 of 9 March 1994).

[see chap. III.]

1994/107. International peace and security as an essential condition for the enjoyment of human rights, above all the right to life

At its 20th meeting, on 16 August 1994, the Sub-Commission decided, without a vote, to postpone consideration of item 14 of its agenda until the forty-seventh session of the Sub-Commission.

[see chap. XV.]

1994/108. Human rights and scientific and technological developments

At its 26th meeting, on 19 August 1994, the Sub-Commission decided, without a vote, to postpone the consideration of item 12 of its agenda until the forty-seventh session of the Sub-Commission.

[See chap. XIII.]

1994/109. Slavery during wartime

At its 27th meeting, on 19 August 1994, the Sub-Commission, taking note of the information concerning slavery and slavery-like practices during wartime which was received by the Working Group on Contemporary Forms of Slavery at its nineteenth session and by the Sub-Commission at its present session, bearing in mind the importance of this information, which requires an in-depth study as a matter of priority, recalling its resolution 1993/24 of 25 August 1993 on slavery and slavery-like practices in which it decided to entrust Ms. Linda Chavez, as Special Rapporteur, with the task of undertaking an in-depth study on the situation of systematic rape, sexual slavery and slavery-like practices during wartime, including internal armed conflict, and considering Commission on Human Rights decision 1994/103 of 4 March 1994, in which it requested the Sub-Commission to reconsider its decisions to recommend a number of studies and related efforts, including the above-mentioned study, decided, without a vote, to invite Ms. Linda Chavez to submit, without financial implication, a working paper on the situation of systematic rape, sexual slavery and slavery-like practices during wartime, including internal armed conflict, to the Sub-Commission at its forty-seventh session; to request the concerned Governments, intergovernmental and non-governmental organizations to cooperate with the expert in the preparation of her working paper and to consider this subject at its forty-seventh session as a matter of priority.

[See chap. XVII.]

1994/110. Voting by secret ballot on proposals pertaining to allegations of violations of human rights in countries

At its 34th meeting, on 25 August 1994, the Sub-Commission decided, without a vote, pursuant to Economic and Social Council resolution 1991/32 of 31 May 1991, to vote by secret ballot, whenever such a vote was requested, on proposals pertaining to allegations of violations of human rights in countries, including proposals of a procedural nature relating to proposals of a substantive nature.

[See chap. VII.]

1994/111. Humanitarian situation in Iraq

At its 35th meeting, on 25 August 1994, the Sub-Commission, recalling the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the relevant provisions of the Geneva Conventions of 12 August 1949 and the two Additional Protocols thereto, recalling also its previous resolutions on Iraq and the Declaration of Minimum Humanitarian Standards contained in document E/CN.4/Sub.2/1991/55, deeply concerned about the serious consequences which the embargo imposed on Iraq for the past four years is having on the entire civilian population in Iraq and, in particular, on children, women and the most underprivileged population sectors, decided, without a vote, to appeal once again to the international community as a whole and to all Governments, including that of Iraq, to facilitate the supply of food and medicines to the civilian population.

[See chap. VII.]

1994/112. Situation in the Palestinian and other Arab territories occupied by Israel

At its 35th meeting, on 25 August 1994, the Sub-Commission decided, under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, by secret ballot, by 12 votes to 10, with 1 abstention, to take no decision on draft resolution E/CN.4/Sub.2/1994/L.32.

[See chap. VII.]

1994/113. Concept and issues relating to "enclaved groups"

At its 36th meeting, on 26 August 1994, the Sub-Commission decided, without a vote, to request Mr. Asbjörn Eide to prepare, without financial implications, a working paper on the concept and issues relating to "enclaved groups" and to present this paper to the Sub-Commission at its forty-seventh session.

[See chaps. VII and XIX.]

1994/114. Obstacles to the establishment of a democratic society

At its 36th meeting, on 26 August 1994, the Sub-Commission decided, without a vote, to postpone the consideration of draft resolution E/CN.4/Sub.2/1994/L.43 until the forty-seventh session of the Sub-Commission.

[See chap. V.]

1994/115. Pre-sessional working group on minorities

At its 36th meeting, on 26 August 1994, the Sub-Commission decided, without a vote, that on condition that the Commission on Human Rights and the Economic and Social Council authorize the establishment of the working group envisaged in Sub-Commission resolution 1994/4 of 19 August 1994, and provide for its budget for 1995, the pre-sessional working group will meet for five working days immediately prior to the forty-seventh session of the Sub-Commission in 1995. The Sub-Commission approved the following composition of the pre-sessional working group of the Sub-Commission: Mr. Bengoa (Latin America), Mr. Eide (Western Europe), Mr. Khalil (Africa), Mr. Khan (Asia) and ... (Eastern Europe) (to be announced later).

[See chap. XIX.]

1994/116. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

At its 36th meeting, on 26 August 1994, the Sub-Commission, recalling its resolutions 1989/38 of 29 August 1989 and 1990/28 of 31 August 1990 and its decisions 1991/111 of 29 August 1991 and 1992/110 of 24 August 1992, welcomed the discussions held at the twelfth session of the Working Group on Indigenous Populations on the study on treaties, agreements and other constructive arrangements between States and indigenous populations by the Special Rapporteur, Mr. Miguel Alfonso Martínez, and decided, without a vote, to recommend to the Special Rapporteur to make all possible efforts to submit his second progress report in 1995 to the Working Group at its thirteenth session and to the Sub-Commission at its forty-seventh session, as well as his final report to both bodies in 1996. It also decided to request the Secretary-General to give the Special Rapporteur all the assistance necessary to allow him to continue his work, in particular by providing for the specialized research assistance required and for the necessary trips to Geneva for consultation with the Centre for Human Rights, and the resources needed for a research mission to the Vatican archives in Rome. The Sub-Commission further decided to recommend to the Commission on Human Rights that it request the Economic and Social Council to endorse its decision.

[See chap. XVI.]

1994/117. Sessional working group on methods of work

At its 37th meeting, on 26 August 1994, the Sub-Commission decided, by 14 votes to 5, with 1 abstention:

(a) To adopt the report of the sessional working group on methods of work of the Sub-Commission established pursuant to Sub-Commission resolution 1993/4 (E/CN.4/Sub.2/1994/3), including its recommendations, which should be strictly adhered to;

(b) That, at its forty-seventh session, on an experimental basis, item 6 will be considered as soon as the agenda is approved.

[See chap. IV.]

1994/118. Message of support to Mr. Leandro Despouy

At its 37th meeting, on 26 August 1994, the Sub-Commission decided, without a vote, to send a message of support to Mr. Leandro Despouy.

[See chap. III.]

1994/119. Composition of the pre-sessional working groups of the Sub-Commission

At its 37th meeting, on 26 August 1994, the Sub-Commission approved the following composition of the pre-sessional working groups of the Sub-Commission, as follows:

[See chaps. X, XVI and XVII.]

Regional Group	Communications	Indigenous Populations	Contemporary Forms of Slavery
Asia	Mr. Fan Mr. Khan (alternate)	Mr. Hatano Mr. El-Hajjé (alternate)	Mr. Hakim
Africa	Mr. Yimer Mr. Guissé (alternate)	Ms. Attah Mr. Ramadhane (alternate)	Ms. Warzazi Ms. Gwanmesia (alternate)
Latin America	Ms. Forero Ucros Mr. Fix Zamudio (alternate)	Mr. Alfonso Martínez Mr. Bengoa (alternate)	Mr. Lindgren Alves Ms. Ferriol Echevarría (alternate)
Western Europe	Ms. Palley	Ms. Daes	Ms. Chavez
Eastern Europe	Mr. Ramishvili	Mr. Boutkevitch	Mr. Maxim

III. ORGANIZATION OF THE FORTY-SIXTH SESSION

A. Opening and duration of the session

1. The Sub-Commission on Prevention of Discrimination and Protection of Minorities held its forty-sixth session at the United Nations Office at Geneva from 1 to 26 August 1994. It held 37 meetings (E/CN.4/Sub.2/1994/SR.1-37 and Adds.) during the session.

2. The session was opened by Mr. Awn Shawkat Al-Khasawneh, Chairman of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities at its forty-fifth session, who made a statement. The Assistant Secretary-General for Human Rights, Mr. Ibrahima Fall, addressed the Sub-Commission at its 1st meeting, on 1 August 1994.

3. The High Commissioner for Human Rights, Mr. José Ayala Lasso, addressed the Sub-Commission at its 37th meeting, on 26 August 1994.

B. Attendance

4. The session was attended by members of the Sub-Commission, by observers from States Members of the United Nations, by observers from non-member States and by representatives of United Nations bodies, specialized agencies, intergovernmental organizations, a national liberation movement and non-governmental organizations. An attendance list is given in annex II to the present report.

C. Election of officers

5. At its 1st and 2nd meetings, on 1 August 1994, the Sub-Commission elected the following officers by acclamation:

Chairperson:	Ms. Judith Sefi Attah
Vice-Chairmen:	Mr. José Bengoa Mr. Volodymyr Boutkevitch Ms. Linda Chavez
Rapporteur:	Mr. Osman El-Hajjé

D. Adoption of the agenda

6. Also at its 1st meeting, the Sub-Commission had before it the provisional agenda for the forty-sixth session (E/CN.4/Sub.2/1994/1 and Add.1), drawn up in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council, on the basis of the draft provisional agenda considered by the Sub-Commission at its forty-fifth session in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII).

7. At the same meeting, statements with regard to the provisional agenda for the forty-sixth session were made by Mr. Alfonso Martínez, Mr. Bossuyt, Mr. Eide, Mr. Joinet, Mr. Khan, Mr. Lindgren Alves, Mr. Maxim, Ms. Palley and Ms. Warzazi.

8. Ms. Warzazi proposed to merge agenda items 10 and 11, so that item 11, entitled "Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers", become a new sub-item (e) of item 10, with the same title.

9. Ms. Warzazi also proposed the deletion of agenda item 17 (b), entitled "Prevention of discrimination and protection of women", and the addition of a new item, entitled "Human rights of women" or a similar title to the same effect.

10. In connection with Ms. Warzazi's proposal on item 17 (b), Mr. Joinet proposed that the new agenda item relating to the prevention of discrimination against women should take the place of former agenda item 11.

11. At the same meeting, the agenda, as revised, was adopted without a vote.

12. For the text of the decision, see chapter II, section B, decision 1994/101.

13. For the text of the agenda as revised, see annex I to the present report.

14. At the 2nd meeting, on 1 August 1994, a statement with regard to the agenda for the forty-sixth session was made by Ms. Gwanmesia.

E. Organization of work

15. At its 3rd meeting, on 2 August 1994, statements relating to the establishment of a sessional working group on the right to compensation, referred to in Sub-Commission resolution 1993/29 of 25 August 1993, were made by Mr. Alfonso Martínez, Mr. Bossuyt, Mr. Eide, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Hakim, Mr. Hatano, Mr. Joinet, Mr. Khan, Ms. Palley and Ms. Warzazi.

16. At the same meeting, the Sub-Commission, upon the proposal of Mr. Joinet, took a vote by show of hands on the establishment of a separate working group on the right to compensation. The Sub-Commission decided by 11 votes to 8, with 4 abstentions, not to establish a separate working group on this question.

17. At the same meeting, upon the proposal of Mr. Eide, the Sub-Commission decided to establish a sessional working group on administration of justice and the question of compensation in place of a sessional working group on detention.

18. For the text of the decision, see chapter II, section B, decision 1994/104.

19. Also at its 3rd meeting, on 2 August 1994, the Sub-Commission decided to establish a sessional working group on methods of work of the Sub-Commission.

20. For the text of the decision, see chapter II, section B, decision 1994/105.

21. At its 3rd meeting, on 2 August 1994, the Chairperson announced that the working group on administration of justice and the question of compensation would be composed of Mr. Bengoa, Mr. Chernichenko, Mr. Fan, Ms. Gwanmesia and Ms. Palley.

22. At the same meeting, the Chairperson announced that the working group on methods of work would be composed of Mr. Alfonso Martínez, Mr. Chernichenko, Mr. Eide, Mr. Hatano and Ms. Warzazi.

23. At its 3rd meeting, on 2 August 1994, upon the recommendation of its officers, the Sub-Commission decided to invite a number of experts and Special Rapporteurs to participate in the meetings at which their reports were to be considered.

24. For the text of the decision, see chapter II, section B, decision 1994/106.

25. Also at its 3rd meeting, the Sub-Commission accepted the recommendation of its officers regarding the order of statements and limitation of the frequency and duration of statements, taking into account the guidelines the Sub-Commission had adopted at its forty-fourth session concerning its methods of work (resolution 1992/8). Statements could be made by members at any time. Statements by observers for organizations would be given priority over those by government observers. Members of the Sub-Commission were to be limited to statements of 20 minutes for one or more statements; observers for non-governmental organizations to one statement of 10 minutes and 16 minutes for a joint statement; observers for States to one statement of 10 minutes, and 5 minutes for statements immediately before voting when the country is implicated; for observers for intergovernmental organizations, specialized agencies and national liberation movements the same speaking time was proposed as for observers for States. It was also agreed that, with regard to statements equivalent to the right of reply, a first statement would be limited to 5 minutes and a second to 3 minutes. Special Rapporteurs would be permitted to speak for 35 minutes on their reports, to be divided between the introduction of the report and the concluding remarks.

26. Also at its 3rd meeting, the Sub-Commission, bearing in mind the respective priority of the items and the availability of the relevant documentation, accepted the recommendation of its officers to consider the items on its agenda in the following order: 1, 2, 6 (situation of human rights in Rwanda only), 5, 18, 16, 17, 6, 19, 20, 14, 4, 13, 3, 10, 11, 7, 8, 15, 12, 9, 21, 22.

F. Meetings, resolutions and documentation

27. Written communications transmitted by Governments and non-governmental organizations for circulation at the forty-sixth session of the Sub-Commission are mentioned in the chapter on the items to which the communications refer.

28. The Sub-Commission adopted resolutions 1994/1 to 1994/50 and took 19 decisions. The texts of these resolutions and decisions appear in chapter II, sections A and B respectively.

29. Draft resolutions and decisions for action or consideration by the Commission on Human Rights are set out in chapter I, sections A and B respectively.

30. Information concerning the administrative and programme budget implications of the resolutions and decisions adopted by the Sub-Commission at its forty-sixth session is provided in annex III.

31. A list of the resolutions referring to matters drawn to the attention of the Commission on Human Rights is contained in annex IV.

32. A list of studies under preparation, drawn up in accordance with Commission on Human Rights resolution 1982/23, appears in annex V.

33. A list of documents issued for the forty-sixth session of the Sub-Commission appears in annex VI.

G. Other matters

34. At its 3rd meeting, on 2 August 1994, statements relating to the observance of the minute of silence, in accordance with decision 1985/109 of 29 August 1985, were made by Mr. Alfonso Martínez, Mr. Bossuyt, Mr. Fan, Ms. Gwanmesia, Mr. Khalil, Ms. Palley, Ms. Warzazi and Mr. Yimer.

35. Subsequently, at the same meeting, the Sub-Commission decided to observe a minute of silence in honour of victims of all forms of violations of human rights in all regions of the world.

36. For the text of the decision, see chapter II, section B, decision 1994/103.

37. At its 36th meeting, on 26 August 1994, the Chairperson read out the following statement on behalf of the Sub-Commission:

> "The Sub-Commission on Prevention of Discrimination and Protection of Minorities,
>
> Expresses its concern at the aggravation of tension in Tajikistan,
>
> Appeals to all parties concerned to abandon violence and promote Inter-Tajik political dialogue as the only means of achieving national reconciliation, establishing the rule of law and ensuring full observance of human rights,
>
> Encourages the High Commissioner for Human Rights to facilitate within his mandate the resolution of the situation in Tajikistan."

38. At its 37th meeting, on 26 August 1994, upon the proposal of Mr. Bengoa and Mr. Decaux, the Sub-Commission decided to send a message of support to Mr. Leandro Despouy. The message reads as follows:

> "Dear Mr. Despouy,
>
> We note with concern the letter addressed to the Chairperson of the Sub-Commission at its forty-sixth session.
>
> We are aware how complex your mission on behalf of the United Nations and the Organization of American States is, and, wishing to offer you our firm support in your task, take this opportunity to send you a message of warm solidarity.
>
> We also wish to inform you that the Sub-Commission has adopted a resolution on the situation in Haiti, reaffirming its hope that a peaceful solution in the spirit of the Governor's Island Agreement can be found, leading to the restoration of democracy and the effective enjoyment of human rights and fundamental freedoms.
>
> Lastly, the members of the Sub-Commission wish to offer you our sincerest congratulations on the excellent reports you submitted to us this session.
>
> Wishing you every success in your assignment, please accept the assurances of our highest consideration."

39. For the text of the decision, see chapter II, section B, decision 1994/118.

IV. REVIEW OF THE WORK OF THE SUB-COMMISSION

40. The Sub-Commission considered agenda item 3 at its 22nd, 26th and 36th meetings, on 17, 19 and 26 August 1994.

41. At the 22nd meeting, on 17 August 1994, the Chairman of the Commission on Human Rights at its fiftieth session, Mr. Peter van Wulfften Palthe, addressed the Sub-Commission.

42. At the 26th meeting, on 19 August 1994, Ms. Warzazi, Chairperson-Rapporteur of the sessional working group on methods of work of the Sub-Commission, presented the report of the Working Group (E/CN.4/Sub.2/1994/3).

43. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (22nd), Mr. Bossuyt (36th), Ms. Chavez (26th, 36th), Mr. Chernichenko (26th), Ms. Daes (22nd), Ms. Forero Ucros (26th), Ms. Gwanmesia (22nd, 26th), Mr. Lindgren Alves (26th), Mr. Maxim (26th), Ms. Palley (22nd, 26th), Ms. Warzazi (22nd, 26th), Mr. Yimer (22nd, 26th) and Mr. Zhong (22nd, 26th).

44. A statement was made by the observer for the Ukraine (26th).

45. The Sub-Commission also heard a joint statement made by Amnesty International on behalf of 27 non-governmental organizations (26th).

Strengthening of the Centre for Human Rights

46. At the 37th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.30/Rev.1, sponsored by Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Ms. Daes, Mr. El-Hajjé, Mr. Fan, Mr. Fix Zamudio, Ms. Forero Ucros, Mr. Guissé, Mr. Hatano, Mr. Hakim, Mr. Lindgren Alves, Mr. Maxim, Ms. Palley, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer. Ms. Gwanmesia and Mr. Khalil subsequently joined as sponsors.

47. The draft resolution was adopted without a vote.

48. For the text as adopted see chapter II, section A, resolution 1994/32.

Sessional working group on methods of work of the Sub-Commission

49. At the 36th meeting, on 26 August 1994, Mr. Lindgren Alves orally proposed a draft decision concerning the sessional Working Group on Methods of Work of the Sub-Commission, the edited version of which read as follows:

> "At its ..th meeting, on .. August 1994, the Sub-Commission decided, without a vote:
>
> (a) To adopt the report of its sessional working group on the methods of work of the Sub-Commission, established pursuant to Sub-Commission resolution 1993/4 (E/CN.4/Sub.2/1994/3), including its recommendations, which should be strictly adhered to:

(b) That, at its forty-seventh session, on an experimental basis, item 6 will be considered as soon as the agenda is approved, to be followed immediately by agenda item 9, if the necessary documentation is available;

(c) To reconvene the sessional working group on the methods of work of the Sub-Commission to examine the advisability of adopting the practice suggested in subparagraph (b) for future sessions of the Sub-Commission."

50. At the same meeting, statements with regard to the proposal made by Mr. Lindgren Alves were made by Mr. Bossuyt, Ms. Chavez, Mr. Eide, Mr. Lindgren Alves and Ms. Palley.

51. The Sub-Commission subsequently decided to postpone consideration of the draft decision.

52. At its 37th meeting, on 26 August 1994, the Sub-Commission resumed consideration of the draft decision.

53. Statements in connection with the draft decision were made by Ms. Chavez, Mr. Decaux, Mr. Fan, Ms. Ferriol Echevarría, Mr. Fix Zamudio, Mr. Ibarra, Mr. Khan and Mr. Lindgren Alves.

54. At the same meeting, Mr. Lindgren Alves orally revised the draft decision by deleting, in subparagraph (b), the text beginning with the words "to be followed immediately" until the end of the text.

55. At the request of Mr. Bossuyt, a vote was taken on the draft decision. The draft decision, as revised, was adopted by 14 votes to 5, with 1 abstention.

56. For the text of the decision, see chapter II, decision 1994/117.

V. REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN CONCERNED

57. The Sub-Commission considered item 4 at its 23rd, 24th, 25th and 36th meetings, on 17, 18 and 26 August 1994.

58. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Note by the Secretary-General (E/CN.4/Sub.2/1994/4);

Memorandum submitted by the International Labour Office (E/CN.4/Sub.2/1994/5);

Report submitted by the United Nations Educational, Scientific and Cultural Organization (E/CN.4/Sub.2/1994/6);

Report of the Secretary-General prepared pursuant to Sub-Commission resolution 1993/29 (E/CN.4/Sub.2/1994/7 and Add.1);

Report of the Secretary-General on developments in the United Nations system concerning HIV and AIDS, prepared pursuant to Sub-Commission resolution 1993/31 (E/CN.4/Sub.2/1994/8);

Final report on human rights and the environment prepared by Ms. Fatma Zohra Ksentini, Special Rapporteur (E/CN.4/Sub.2/1994/9 and Corr.1);

Report of the second United Nations Regional Seminar on Traditional Practices Affecting the Health of Women and Children (E/CN.4/Sub.2/1994/10 and Corr.1);

Plan of Action for the Elimination of Harmful Traditional Practices affecting the Health of Women and Children (E/CN.4/Sub.2/1994/10/Add.1 and Corr.1);

Preliminary report on opposition to the impunity of perpetrators of human rights violations (economic, social and cultural rights), prepared by Mr. Guissé and Mr. Joinet, pursuant to Sub-Commission resolution 1993/37 (E/CN.4/Sub.2/1994/11 and Corr.1);

Written statement submitted by the American Association of Jurists, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1994/NGO/4);

Written statement submitted by the Sierra Club Legal Defense Fund, Inc., a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1994/NGO/24).

Written statement submitted by International Association of Educators for World Peace, a non-governmental organization on the Roster (E/CN.4/Sub.2/1994/NGO/36);

Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1994/NGO/37).

59. At the 23rd meeting, on 17 August 1994, Ms. Fatma Zohra Ksentini introduced her final report (E/CN.4/Sub.2/1994/9 and Corr.1).

60. At the same meeting, Mr. Joinet introduced the preliminary report, prepared by Mr. Guissé and himself (E/CN.4/Sub.2/1994/11 and Corr.1).

61. A statement relating to the same preliminary report was made by Mr. Guissé at the 24th meeting, on 18 August 1994.

62. At the 24th meeting, on 18 August 1994, Ms. Warzazi introduced the Plan of Action for the Elimination of Harmful Traditional Practices affecting the Health of Women and Children (E/CN.4/Sub.2/1994/10/Add.1 and Corr.1).

63. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Chernichenko (24th), Ms. Daes (24th), Ms. Forero Ucros (24th), Ms. Gwanmesia (25th), Mr. Ibarra (24th), Mr. Lindgren Alves (24th) and Mr. Yimer (24th).

64. At the 23rd meeting, on 17 August 1994, the observer for the World Health Organization made a statement.

65. Statements were also made by the observers for India (25th) and Japan (25th).

66. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: African Association of Education for Development (25th), American Association of Jurists (24th), Consultative Council of Jewish Organizations (24th), Inter-African Committee on Traditional Practices Affecting the Health of Women and Children (25th), International Alliance of Women - Equal Rights, Equal Responsibilities (25th), International Association against Torture (24th), International Association of Educators for World Peace (24th), International Educational Development, Inc. (24th), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and other Minorities (25th), International Federation Terre des Hommes (24th), International Fellowship of Reconciliation (24th, 25th), International Human Rights Association of American Minorities (24th), International League for the Rights and Liberation of Peoples (24th), International Lesbian and Gay Association (25th), International Work Group for Indigenous Affairs (25th), Latin American Federation of Associations of Relatives of Disappeared Detainees (on behalf of Andean Commission of Jurists, International Commission of Jurists, Service Peace and Justice in Latin America and Women's International League for Peace and Freedom) (25th), Sierra Club Legal Defense Fund, Inc. (on behalf of Centre Europe-Tiers Monde, Defence for Children International, Disabled Peoples' International, Friends of the Earth International, Grand Council of the Crees, Habitat International Coalition, Human Rights Advocates, International Educational Development, Inc., International Federation of Human Rights, International Indian Treaty Council, International Islamic Federation of Student Organisations,

International League for the Rights and Liberation of Peoples, International Movement for Fraternal Union Among Races and Peoples, Pax Christ International, World Association for the School as an Instrument of Peace, World Federation of Trade Unions, World Muslim Congress and the World University Service) (25th).

Minimum humanitarian standards

67. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.22, sponsored by Mr. Bossuyt, Ms. Chavez, Ms. Daes, Mr. Eide, Mr. Hatano, Mr. Joinet, Ms. Palley and Mr. Yimer.

68. A statement in connection with the draft resolution was made by Mr. Fan.

69. The draft resolution was adopted without a vote.

70. For the text as adopted see chapter II, section A, resolution 1994/26.

Human rights and the environment

71. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.24, sponsored by Mr. Alfonso Martínez, Mr. Boutkevitch, Mr. Chernichenko, Ms. Daes, Mr. Fan, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Mr. Hakim, Mr. Joinet, Mr. Khan, Mr. Maxim, Ms. Palley, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer.

72. Statements in connection with the draft resolution were made by Mr. Bossuyt, Ms. Chavez and Mr. Fan.

73. The draft resolution was adopted without a vote.

74. For the text as adopted see chapter II, section A, resolution 1994/27.

Recognition of gross and large-scale violations of human rights as an international crime

75. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.33, sponsored by Mr. Bengoa, Mr. Boutkevitch, Ms. Chavez, Ms. Daes, Mr. El-Hajjé, Mr. Fix Zamudio, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Mr. Hakim, Mr. Khalil, Mr. Khan, Mr. Maxim, Ms. Palley, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer. Mr. Bossuyt subsequently joined the sponsors.

76. Mr. Decaux proposed to amend operative paragraph 3, by adding, at the end of the paragraph the words "as well as relevant work of the International Law Commission;".

77. Statements in connection with the draft resolution and proposed amendment were made by Ms. Daes, Mr. Fan and Ms. Palley.

78. The amendment was accepted by the sponsors.

79. The draft resolution, as amended, was adopted without a vote.

80. For the text as adopted see chapter II, section A, resolution 1994/28.

Discrimination in the context of human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS)

81. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.42, sponsored by Mr. Decaux, Mr. El-Hajjé, Ms. Forero Ucros, Mr. Hatano and Mr. Hakim. Mr. Boutkevitch subsequently joined the sponsors.

82. The draft resolution was adopted without a vote.

83. For the text as adopted see chapter II, section A, resolution 1994/29.

Obstacles to the establishment of a democratic society

84. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.43, sponsored by Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Ms. Daes, Mr. El-Hajjé, Mr. Fix Zamudio, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Mr. Hakim, Mr. Joinet, Mr. Khan, Mr. Lindgren Alves, Mr. Maxim, Ms. Palley and Mr. Ramadhane, which read as follows:

> "The Sub-Commission on Prevention of Discrimination and protection of Minorities,
>
> Bearing in mind the fulfilment of its mandate, as defined by the various resolutions of the Economic and Social Council and the Commission on Human Rights,
>
> Pursuing the objectives laid down in the Charter of the United Nations in regard to the establishment of conditions for the maintenance of justice and the equal rights of men and women and promotion of social progress and better standards of life in larger freedom,
>
> Taking into consideration article 29, paragraph 2, of the Universal Declaration of Human Rights,
>
> Bearing in mind that the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights affirms that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing (A/CONF.157/23, para I.8),
>
> Fully aware that the establishment of the conditions for a democratic society is essential for prevention of discrimination and protection of minorities,

1. *Decides* to include in the agenda of its forty-seventh session an item entitled 'Study of the elimination of obstacles to the establishment of a democratic society and conditions for the maintenance of such a society';

2. *Entrusts* the Chairman of the Sub-Commission with the task of requesting one of its members to prepare a working paper on that question for its forty-seventh session."

85. Ms. Warzazi proposed to amend the draft resolution by deleting operative paragraph 2. The amendment was not accepted by the sponsors.

86. Mr. Decaux proposed to postpone the consideration of the draft resolution until the next session.

87. Statements in connection with the draft resolution, proposed amendment and proposal to postpone, were made by Mr. Decaux, Mr. El-Hajjé, Ms. Palley, Ms. Warzazi and Mr. Yimer.

88. The Sub-Commission subsequently decided, without a vote, to postpone consideration of draft resolution E/CN.4/Sub.2/1994/L.43 until its forty-seventh session.

89. For the text of the decision, see chapter II, section B, decision 1994/114.

Traditional practices affecting the health of women and children

90. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.51, sponsored by Mr. Bengoa, Mr. Bossuyt, Mr. Chernichenko, Ms. Daes, Mr. Decaux, Mr. Fan, Mr. Fix Zamudio, Ms. Forero Ucros, Ms. Gwanmesia, Mr. Hakim, Mr. Hatano, Mr. Khalil, Mr. Khan, Mr. Lindgren Alves, Mr. Maxim, Ms. Palley, Mr. Ramadhane and Mr. Yimer. Ms. Chavez and Mr. Boutkevitch subsequently joined the sponsors.

91. The draft resolution was adopted without a vote.

92. For the text as adopted see chapter II, section A, resolution 1994/30.

VI. ELIMINATION OF RACIAL DISCRIMINATION

A. Measures to combat racism and racial discrimination and the role of the Sub-Commission

93. The Sub-Commission considered sub-item (a) of agenda item 5 at its 5th, 6th, 7th and 17th meetings on 3, 4, 5 and 12 August 1994.

94. The Sub-Commission had before it the following document in connection with its consideration of the sub-item:

Report of the Secretary-General on efforts made by United Nations bodies to prevent and combat racism, racial discrimination, xenophobia and related intolerance (E/CN.4/Sub.2/1994/12);

Note by the Secretary-General (E/CN.4/Sub.2/1994/37);

Letter dated 27 April 1994 from the Chairman of the Committee on the Elimination of Racial Discrimination addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1994/38);

Note verbale dated 28 July 1994 from the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office and Other International Organizations at Geneva addressed to the Chairman of the forty-fifth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1994/46);

Report by Mr. M. Glélé-Ahanhanzo, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, submitted pursuant to Commission on Human Rights resolution 1993/20 (E/CN.4/1994/66).

95. In the general debate on the sub-item, statements 1/ were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (7th), Mr. Bengoa (7th), Mr. Boutkevitch (7th), Ms. Chavez (7th), Mr. Eide (5th, 6th), Mr. El-Hajjé (6th), Mr. Guissé (5th), Ms. Gwanmesia (7th), Mr. Hakim (7th), Mr. Joinet (7th), Ms. Forero Ucros (6th), Mr. Lindgren Alves (6th), Ms. Palley (7th), Mr. Ramadhane (7th) and Ms. Warzazi (6th).

96. Statements were made by the observers for Germany (7th), India (7th), Iraq (7th), Myanmar (7th) and Turkey (6th).

97. Statements were made by representatives of the following non-governmental organizations: Anti-Slavery International (7th), Centre Europe-Tiers Monde (5th), International Association against Torture (6th), International Association of Educators for World Peace (6th), International Council of Jewish Women (5th), International Educational Development (7th), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and other Minorities (6th), International Fellowship of Reconciliation (5th), International Human Rights Association of American Minorities (6th),

International Movement against All Forms of Discrimination and Racism (6th), International Organization for the Development of Freedom of Education (5th), Minority Rights Group (5th), Movement against Racism and for Friendship among Peoples (6th) and World Jewish Congress (5th).

98. Statements equivalent to the right of reply were made by the observers for Germany (7th), India (7th), Iraq (7th) and Myanmar (7th).

99. At the 17th meeting, on 12 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.3, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Mr. Eide, Mr. El-Hajjé, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Hakim, Mr. Hatano, Mr. Joinet, Mr. Khan, Ms. Koufa, Mr. Limón Rojas, Mr. Lindgren Alves, Mr. Maxim, Ms. Mbonu, Ms. Palley, Mr. Ramadhane and Ms. Warzazi.

100. The draft resolution was adopted without a vote.

101. For the text of the resolution as adopted, see chapter II, section A, resolution 1994/2.

B. Monitoring the transition to democracy in South Africa

102. The Sub-Commission considered sub-item (b) of agenda item 5 at its 5th, 6th, 7th and 17th meetings, on 3, 4, 5 and 12 August 1994.

103. In connection with its consideration of the sub-item, the Sub-Commission had before it the preliminary report on monitoring the transition to democracy in South Africa, submitted by Ms. Judith Sefi Attah, Special Rapporteur, pursuant to Sub-Commission resolution 1992/6 (E/CN.4/Sub.2/1993/11), the report on the mission to South Africa by the Special Rapporteur (E/CN.4/Sub.2/1993/11/Add.1) and a note by the secretariat (E/CN.4/Sub.2/1994/13).

104. At the 6th meeting, on 4 August 1994, the Special Rapporteur, Ms. Judith Sefi Attah, made a statement.

105. In the general debate on the sub-item, statements 1/ were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (7th), Ms. Attah (7th), Mr. Bengoa (7th), Mr. Boutkevitch (7th), Ms. Chavez (7th), Mr. Eide (5th, 6th), Mr. Fan (6th), Ms. Forero Ucros (6th), Mr. Guissé (5th), Ms. Gwanmesia (7th), Mr. El-Hajjé (6th), Mr. Hakim (7th), Mr. Joinet (7th), Mr. Khalifa (7th), Ms. Koufa (7th), Mr. Lindgren Alves (6th), Ms. Palley (7th), Ms. Warzazi (6th) and Mr. Yimer (6th).

106. Statements were made by the observers for South Africa (6th) and Chile (6th).

107. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: Anti-Slavery International (7th), International Association against Torture (6th), International Lesbian and Gay Association (5th) and International Movement against All Forms of Discrimination and Racism (6th).

108. At the 7th meeting, on 5 August 1994, the Special Rapporteur made her concluding remarks.

109. At the 17th meeting, on 12 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.4, sponsored by Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Mr. Eide, Mr. Fan, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Mr. Joinet, Mr. Khalifa, Ms. Koufa, Mr. Maxim, Ms. Palley and Mr. Yimer.

110. The draft resolution was adopted without a vote.

111. For the text of the resolution as adopted, see chapter II, section A, resolution 1994/3.

VII. QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

112. The Sub-Commission considered item 6 at its 3rd, 4th, 11th, 14th to 20th, 34th and 35th meetings, on 2, 9, 11, 12, 15, 16, and 25 August 1994.

113. At its 2nd meeting, on 1 August 1994, the Sub-Commission decided to consider, as a matter of priority, the situation of human rights in Rwanda, under item 6, on 2 August 1994.

114. For the text of the decision, see chapter II, section B, draft decision 1994/102.

115. The Sub-Commission considered the situation of human rights in Rwanda at its 3rd, 4th and 11th meetings, on 2 and 11 August 1994.

116. For the consideration of the situation of human rights in Rwanda under item 6, the Sub-Commission had before it the following documentation:

Report of the United Nations High Commissioner for Human Rights, Mr. J. Ayala Lasso, on his mission to Rwanda, 11-12 May 1994 (E/CN.4/S-3/3);

Report of the Commission on Human Rights on its third special session, 24-25 May 1994 (E/CN.4/S-3/4);

Report on the situation of human rights in Rwanda submitted by Mr. R. Degni-Ségui, Special Rapporteur of the Commission on Human Rights under paragraph 20 of Commission resolution S-3/1 of 25 May 1994 (E/CN.4/1994/7);

Report by Mr. B.W. Ndiaye, Special Rapporteur on extrajudicial, summary or arbitrary executions, on his mission to Rwanda from 8 to 17 April 1994 (E/CN.4/1994/7/Add.1);

Report of the Secretary-General on the establishment of the Commission of Experts pursuant to paragraph 1 of Security Council resolution 935 (1994) of 1 July 1994 (S/1994/879);

Security Council resolution 935 (1994) of 1 July 1994.

117. At its 3rd and 4th meetings, on 2 August 1994, statements 1/ concerning the situation of human rights in Rwanda were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (3rd, 4th), Mr. Bossuyt (3rd), Ms. Daes (4th), Mr. Eide (3rd, 4th), Mr. El-Hajjé (4th), Mr. Fan (4th),

Ms. Forero Ucros (4th), Mr. Guissé (4th), Ms. Gwanmesia (4th), Mr. Hakim (4th), Mr. Joinet (4th), Mr. Khalil (4th), Mr. Khan (4th) Ms. Palley (4th), Ms. Warzazi (3rd, 4th), Mr. Yimer (4th) and Mr. Yokota (4th).

118. Statements were made by the observers for Nigeria (4th), South Africa (4th), Tunisia (4th) and Zimbabwe (4th).

119. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: American Association of Jurists (4th) and Pax Christi International (4th).

120. The Sub-Commission considered item 6 at its 14th to 20th, 34th, and 35th meetings, on 11, 12, 15, 16, and 25 August 1994.

121. The Sub-Commission had before it the following documents in connection with its consideration of item 6 in general:

Situation in East Timor: note by the secretariat (E/CN.4/Sub.2/1994/14 and Add.1);

Note by the Secretary-General (E/CN.4/Sub.2/1994/15);

Note by the Secretary-General (E/CN.4/sub.2/1994/16);

Letter dated 4 July 1994 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/Sub.2/1994/43);

Note verbale dated 28 July 1994 from the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office and Other International Organizations at Geneva addressed to the Chairman of the forty-fifth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1994/45);

Note verbale dated 12 August 1994 from the Permanent Mission of Peru to the United Nations Office at Geneva addressed to the Centre for Human Rights (E/CN.4/Sub.2/1994/51);

Letter dated 16 August 1994 from the permanent Representative of Israel to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/Sub.2/1994/53);

Written statement submitted by International Federation Terre des Hommes, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1994/NGO/5);

Written statement submitted by International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1994/NGO/9);

Written statement submitted by International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1994/NGO/11);

Written statement submitted by International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1994/NGO/12);

Written statement submitted by International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1994/NGO/13);

Written statement submitted by International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1994/NGO/14);

Written statement submitted by Centre Europe-Tiers Monde, a non-governmental organization on the Roster (E/CN.4/Sub.2/1994/NGO/20);

Joint written statement submitted by the International Youth and Student Movement for the United Nations, the World Assembly of Youth, the World Federation of Democratic Youth, non-governmental organizations in consultative status (category I), and by the International Union of Students, International Union of Socialist Youth, and World Student Christian Federation, non-governmental organizations in consultative status (category II) (E/CN.4/Sub.2/1994/NGO/22);

Joint statement submitted by the International Alliance of Women-Equal Rights, Equal Responsibilities, World Confederation of Labour and World Federation of Trade Unions, non-governmental organizations in consultative status (category I), by the American Association of Jurists, Disabled Peoples' International, International Association of Democratic Lawyers and International League for the Rights and Liberation of Peoples, non-governmental organizations in consultative status (category II), and by Centre Europe-Tiers Monde, International Educational Development Inc., Movement against Racism and for Friendship among Peoples, International Movement against All Forms of Discrimination and Racism and International Falcon Movement, non-governmental organizations on the Roster (E/CN.2/Sub.2/1994/NGO/25);

Written statement submitted by the International Human Rights Association of American Minorities, a non-governmental organization on the Roster (E/CN.4/Sub.2/1994/NGO/26);

Written statement submitted by the International Human Rights Association of American Minorities, a non-governmental organization on the Roster (E/CN.4/Sub.2/1994/NGO/27);

Joint statement submitted by the American Association of Jurists, the Andean Commission of Jurists, the International Commission of Jurists, the International Indian Treaty Council, the International League for the Rights and Liberation of Peoples, the Latin American Federation of

Associations of Relatives of Disappeared Detainees, Service Peace and Justice in Latin America and Women's International League for Peace and Freedom, non-governmental organizations in consultative status (category II) (E/CN.4/Sub.2/1994/NGO/29);

Joint statement submitted by the American Association of Jurists, International League for the Rights and Liberation of Peoples, Latin American Federation of Associations of Relatives of Disappeared Detainees, Service Peace and Justice in Latin America and World Organization against Torture, non-governmental organizations in consultative status (category II), and by International Educational Development Inc., a non-governmental organization on the Roster (E/CN.4/Sub.2/1994/NGO/32);

Written statement submitted by International Educational Development Inc., a non-governmental organization on the Roster (E/CN.4/Sub.2/1994/NGO/33);

Joint statement submitted by the Commission for the Defense of Human Rights in Central America, Pax Romana and Service Peace and Justice in Latin America, non-governmental organizations in consultative status (category II), and by International Educational Development Inc., the International Federation of ACAT and the Movement against Racism and for Friendship among Peoples, non-governmental organizations on the Roster (E/CN.4/Sub.2/1994/NGO/35).

122. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (18th), Mr. Bengoa (14th), Mr. Bossuyt (16th), Ms. Chavez (18th), Mr. Chernichenko (16th), Ms. Daes (18th, 20th), Mr. Eide (18th, 19th), Mr. El-Hajjé (19th), Mr. Fan (20th), Ms. Forero Ucros (18th), Mr. Guissé (16th), Ms. Gwanmesia (20th), Mr. Joinet (18th, 19th), Mr. Khalifa (14th), Mr. Khan (18th), Mr. Lindgren Alves (16th) Ms. Palley (18th, 20th) and Ms. Warzazi (14th, 18th).

123. Statements were made by the observers for Armenia (19th), Azerbaijan (20th), China (19th), Colombia (17th), Democratic People's Republic of Korea (19th), Egypt (19th), Ethiopia (19th), Greece (20th), Guatemala (20th), Haiti (19th), India (19th), Indonesia (19th), Iraq (19th), Iran (Islamic Republic of) (19th), Morocco (17th), Myanmar (19th), Pakistan (19th), Peru (17th), Portugal (19th), Sri Lanka (17th), Sudan (19th), Syrian Arab Republic (17th), The Former Yugoslav Republic of Macedonia (17th) and Turkey (19th).

124. A statement was also made by the observer for Palestine (18th).

125. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations: African Association of Education for Development (16th), American Association of Jurists (16th), Andean Commission of Jurists (16th), Arab Organization for Human Rights (15th), Baha'i International Community (15th), Centre Europe-Tiers Monde (15th), France Libertés: Fondation Danielle Mitterand (14th), Greek Orthodox

Archdiocesan Council of North and South America (16th), Habitat International Coalition (17th), Indian Institute for Non-Aligned Studies (17th), International Association against Torture (15th), International Association for the Defence of Religious Liberty (15th), International Association of Democratic Lawyers (14th), International Association of Educators for World Peace (15th), International Commission of Jurists (15th), International Confederation of Free Trade Unions (15th), International Educational Development, Inc. (15th), International Falcon Movement-Socialist Educational International (15th), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and other Minorities (15th), International Federation of Human Rights (15th), International Fellowship of Reconciliation (14th), International Human Rights Association of American Minorities (16th), International Humanist and Ethical Union (14th), International Indian Treaty Council (17th), International Islamic Federation of Students Organization (17th), International League for Human Rights (17th), International League for the Rights and Liberation of Peoples (16th), International Lesbian and Gay Association (15th), International Movement against all Forms of Discrimination and Racism (17th), International Movement for Fraternal Union among Races and Peoples (16th), Inter-Parliamentary Union (17th), Liberation (15th), Movement against Racism and for Friendship among Peoples (16th), Pax Christi International (15th), Service Peace and Justice in Latin America (17th), Women's International League for Peace and Freedom (15th), World Federation of Democratic Youth (17th), World Federation of Trade Unions (17th), World Muslim Congress (17th), World Organisation against Torture (15th) and World University Service (16th).

126. Statements equivalent to a right of reply were made by the observers for: Armenia (20th), Albania (20th), Azerbaijan (20th), Bangladesh (20th), China (20th), Colombia (20th), Greece (20th), India (20th), Iran (the Islamic Republic of) (15th, 20th), Japan (20th), Morocco (20th), Nigeria (20th), Pakistan (20th) and Turkey (20th).

Situation in Rwanda

127. At the 11th meeting, on 9 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.2, sponsored by Mr. Bengoa, Mr. Bossuyt, Ms. Daes, Mr. Guissé, Ms. Gwanmesia, Mr. Joinet, Mr. Maxim, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer. Mr. Fan subsequently joined the sponsors.

128. Ms. Warzazi, on behalf of the sponsors, orally revised the draft resolution, as follows:

(a) Insert, in operative paragraph 7, after the words "war crimes" the words "including the murder of bishops and members of religious communities";

(b) Insert, in operative paragraph 10, after the word "including", the words "the attack on the plane carrying the Presidents of Burundi and Rwanda";

(c) Delete, in the same paragraph, after the words "illicit traffic", the words "or in the broadcasting of racist propaganda which rendered possible the crime of genocide and the political assassinations".

129. Ms. Palley proposed to replace, in the first preambular paragraph, the words "at the extent and seriousness" by the words "by the convincing and appalling evidence". The amendment was accepted by the sponsors.

130. Upon the proposal of Mr. Alfonso Martínez, Ms. Warzazi further revised the draft resolution by proposing to replace, in operative paragraph 2, the wording "yet takes note with satisfaction of the humanitarian assistance efforts made".

131. Statements relating to the draft resolution, the revisions and amendments were made by Mr. Alfonso Martínez, Mr. El-Hajjé, Ms. Gwanmesia, Mr. Joinet, Ms. Palley, Mr. Yimer and Mr. Zhong.

132. The draft resolution, as revised and amended, was adopted without a vote.

133. For the text as adopted, see chapter II, section A, resolution 1994/1.

Voting by secret ballot on proposals under agenda item 6

134. At the 34th meeting, on 25 August 1994, Ms. Warzazi made a proposal concerning a decision to be taken by the Sub-Commission on voting by secret ballot on proposals pertaining to allegations of violations of human rights in countries.

135. Mr. Bossuyt made a statement relating to this proposal.

136. The decision, as orally proposed by Ms. Warzazi, was adopted without a vote.

137. For the text of the decision, see chapter II, section B, decision 1994/110.

The situation of the Greek ethnic minority in Albania: infringement of the rules for a fair trial

138. At the 34th meeting, on 25 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.19, sponsored by Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Ms. Daes, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Mr. Joinet, Mr. Khan, Mr. Limón Rojas and Ms. Palley. Mr. Joinet subsequently withdrew as a sponsor.

139. Statements in connection with the draft resolution were made by Ms. Daes, Mr. Eide and Mr. Joinet.

140. The observer for Albania made a statement.

141. At the request of Ms. Warzazi, a vote was taken on the draft resolution.

142. The draft resolution was adopted by secret ballot by 11 votes to 7, with 5 abstentions.

143. For the text as adopted, see chapter II, section A, resolution 1994/12.

Situation in East Timor

144. At the 34th meeting, on 25 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.20, sponsored by Mr. Bossuyt, Ms. Chavez, Ms. Koufa, Mr. Eide, Ms. Gwanmesia, Mr. Decaux and Ms. Palley. Ms. Gwanmesia subsequently withdrew as sponsor. The text of the draft resolution read as follows:

"The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the universally accepted rules of international humanitarian law,

Bearing in mind General Assembly resolution 37/30 of 23 November 1982 and Security Council resolutions 384 (1975) of 22 December 1975 and 389 (1976) of 22 April 1976,

Recalling the statements agreed by consensus by the Commission on Human Rights at its forty-eighth and fiftieth sessions (E/1992/22-E/CN.4/1992/84, para. 457 and E/1994/24-E/CN.4/1994/132, para. 482) and resolution 1993/97 of 11 March 1993 adopted by the Commission at its forty-ninth session,

Recalling also its resolutions 1982/20 of 8 September 1982, 1983/26 of 6 September 1983, 1984/24 of 29 August 1984, 1987/13 of 2 September 1987, 1989/7 of 31 August 1989, 1990/15 of 30 August 1990, 1992/20 of 27 August 1992 and 1993/12 of 20 August 1993, as well as the statement made by the Chairman at its forty-third session on the question of the situation in East Timor,

Having examined the note by the secretariat on the situation in East Timor (E/CN.4/Sub.2/1994/14 and Add.1),

Noting with satisfaction the greater access given to East Timor and the visit made by the Special Rapporteur on extrajudicial, summary or arbitrary executions,

Disturbed by reports of continuing violations of human rights in East Timor, including in particular the detention, imprisonment and ill-treatment of persons engaged in the peaceful exercise of their rights and freedoms, such as the freedom of opinion and expression, as well as by reports of forcible removal of prisoners from their original place of residence to serve jail sentences in parts of Indonesia in contravention of international humanitarian law,

1. Expresses its deep concern at reports of continuing violations of human rights in East Timor;

2. Notes with satisfaction the greater access to East Timor and the visit made by the Special Rapporteur on extrajudicial, summary or arbitrary executions;

3. Urges the Indonesian authorities to implement fully the decisions of the Commission on Human Rights as contained in the consensus statements made by the Commission at its forty-eighth and fiftieth sessions and in resolution 1993/97 of 11 March 1993, adopted by the Commission at its forty-ninth session;

4. Also urges the Indonesian authorities to honour the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, regarding the prohibition on removing prisoners from their original place of residence;

5. Decides to consider at its forty-seventh session the situation pertaining to human rights and fundamental freedoms in East Timor, and for this purpose requests the secretariat to transmit to it all relevant information received."

145. Statements relating to the draft resolution were made by Mr. Joinet and Ms. Palley.

146. The observer for Indonesia made a statement.

147. A vote was taken on the draft resolution.

148. The draft resolution was rejected, by secret ballot, by 11 votes to 11, with 1 abstention.

Situation in the Middle East

149. At the 34th meeting, on 25 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.21, sponsored by Mr. Bossuyt, Ms. Chavez, Mr. Eide and Ms. Palley. Ms. Koufa subsequently joined the sponsors.

150. The draft resolution was adopted without a vote.

151. For the text as adopted, see chapter II, section A, resolution 1994/13.

Situation of human rights in Iraq

152. At the 35th meeting, on 25 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.23, sponsored by Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Ms. Koufa, Mr. Eide, Mr. Joinet, Mr. Fix Zamudio, Mr. Maxim and Ms. Palley.

153. A Statement in connection with the draft resolution was made by Ms. Palley.

154. The observer for Iraq made a statement.

155. At the request of Mr. Ramadhane and Ms. Warzazi, a vote was taken on the draft resolution.

156. The draft resolution was adopted, by secret ballot, by 14 votes to 7, with 3 abstentions.

157. For the text as adopted, see chapter II, section A, resolution 1994/14.

158. At the same meeting, Ms. Warzazi, made a proposal concerning a decision on the humanitarian situation in Iraq.

159. A statement in connection with the draft decision was made by Mr. Joinet.

160. The decision, as read out by the Chairperson, was adopted without a vote.

161. For the text of the decision, see chapter II, section B, decision 1994/111.

Situation in Indonesia

162. At the 35th meeting, on 25 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.25, sponsored by Ms. Chavez, Ms. Gwanmesia, Ms. Koufa and Ms. Palley, which read as follows:

> "The Sub-Commission on Prevention of Discrimination and Protection of Minorities,
>
> Guided by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Geneva Conventions of August 1949 on the protection of war victims, and other relevant international human rights instruments,
>
> Noting the reports of the working Group on Enforced or Involuntary Disappearances (E/CN.4/1994/26 and Corr.1 and 2), the Working Group on Arbitrary Detention (E/CN.4/1994/27), the Special Rapporteur on extrajudicial, summary, or arbitrary executions (E/CN.4/1994/7 and Add.1 and 2 and Corr.1 and 2) and the Special Rapporteur on the question of torture (E/CN.4/1994/31),
>
> Reaffirming that all persons who commit or authorize violations of human rights or international humanitarian law are individually responsible for those violations,
>
> Taking account of the progress report by the Special Rapporteur on the human rights dimensions of population transfer, including the implantation of settlers, Mr. A.S. Al-Khasawneh (E/CN.4/Sub.2/1994/18 and Corr.1) and the preliminary report by the Special Rapporteurs, Mr. Al-Khasawneh and Mr. R. Hatano (E/CN.4/Sub.2/1993/17 and Corr.1), which found that population transfer is, prima facie, unlawful and violates rights affirmed in human rights and humanitarian law,

1. *Expresses its deepest concern* at reports of continuing violations of human rights in West Papua, the Aceh region of Sumatra and the Moluccas;

2. *Expresses its alarm* at all repressive policies and practices directed against particular ethnic groups, and calls upon the Government of Indonesia to ensure the protection of the rights of all peoples and individuals regardless of their national or ethnic, religious or linguistic identity;

3. *Condemns* population transfer and settlement ('transmigration') in West Papua and other regions as a violation of the human rights of the peoples concerned;

4. *Calls upon* all Governments, specialized agencies and multilateral financial institutions to refrain from supporting, with financial or technical assistance, population transfer and settlement in the above regions;

5. *Urges* the Government of Indonesia to permit representatives of non-governmental organizations concerned with human rights and journalists to visit these regions freely;

6. *Requests* the High Commissioner for Human Rights to monitor the situation in West Papua, the Aceh region of Sumatra and the Moluccas and to report his observations to the Sub-Commission at its forty-seventh session."

163. The observer for Indonesia made a statement.

164. At the request of Mr. Fan, a vote was taken on the draft resolution.

165. The draft resolution was rejected, by secret ballot, by 14 votes to 7, with 3 abstentions and 1 member not participating.

Violations of the human rights of staff members of the United Nations system and other persons acting under the authority of the United Nations

166. At the 35th meeting, on 25 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.26, sponsored by Ms. Chavez, Mr. Chernichenko, Ms. Daes, Mr. El-Hajjé, Ms. Forero Ucros, Ms. Palley and Ms. Warzazi. Mr. Boutkevitch and Ms. Gwanmesia subsequently joined the sponsors.

167. The draft resolution was adopted without a vote.

168. For the text as adopted, see chapter II, section A, resolution 1994/15.

Situation of human rights in the Islamic Republic of Iran

169. At the 35th meeting, on 25 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.28, sponsored by Mr. Bengoa, Mr. Bossuyt, Ms. Chavez, Mr. Chernichenko, Mr. Eide, Ms. Gwanmesia, Mr. Limón Rojas, Mr. Maxim and Ms. Palley.

170. The observer for the Islamic Republic of Iran made a statement.

171. At the request of Mr. Fan, a vote was taken on the draft resolution.

172. The draft resolution was adopted, by secret ballot, by 15 votes to 6, with 3 abstentions.

173. For the text as adopted, see chapter II, section A, resolution 1994/16.

Situation in Burundi

174. At the 35th meeting, on 25 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.31/Rev.1, sponsored by Mr. Bengoa, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Mr. Fix Zamudio, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Hakim, Mr. Hatano, Mr. Joinet, Mr. Khalil, Mr. Khan, Ms. Koufa, Mr. Maxim, Ms. Palley and Mr. Yimer. Mr. Bossuyt and Mr. El-Hajjé subsequently joined the sponsors.

175. Ms. Gwanmesia revised the eighth preambular paragraph by replacing the words "cultural values" by the words "agricultural production".

176. The draft resolution was adopted without a vote.

177. For the text as adopted, see chapter II, section A, resolution 1994/17.

Situation in the Palestinian and other Arab territories occupied by Israel

178. At the 35th meeting, on 25 August 1994, Mr. El-Hajjé introduced draft resolution E/CN.4/Sub.2/1994/L.32, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Mr. El-Hajjé, Mr. Khan and Mr. Ramadhane, which read as follows:

> "The Sub-Commission on Prevention of Discrimination and Protection of Minorities,
>
> Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, in particular the principles of equal rights and self-determination of all peoples,
>
> Mindful of the principles and humanitarian provisions of the Geneva Conventions of 12 August 1949 for the protection of war victims, of the principles and provisions of international law and of the obligations arising from the Regulations concerning the Laws and Customs of War on Land, annexed to the Hague Convention IV of 1907,

Recalling that, in accordance with article 1 of the Geneva Conventions of 12 August 1949, all States parties to the Conventions have undertaken to respect and to ensure respect for the Conventions in all circumstances,

Recalling also all the resolutions of the General Assembly and the Commission on Human Rights condemning the practices of the Israeli occupation authorities in the Palestinian and other Arab territories occupied by Israel which affirm the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to these territories, in particular Commission on Human Rights resolutions 1994/3 and 1994/5 both of 18 February 1994,

Recalling further the relevant Security Council resolutions, in particular resolutions 605 (1987) of 22 December 1987, 607 (1988) of 5 January 1988, 608 (1988) of 14 January 1988, 636 (1989) of 6 July 1989, 681 (1990) of 20 December 1990, 726 (1992) of 6 January 1992 and 799 (1992) of 18 December 1992,

Taking note of the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories submitted to the General Assembly and the relevant reports of the International Labour Organisation and the World Health Organization,

Reaffirming its previous resolutions in this respect, the most recent being resolution 1993/15 of 20 August 1993,

Deeply alarmed at the persistent refusal of Israel to respect the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to apply it to the Palestinians in the occupied Palestinian territories,

Welcoming the signing of the Declaration of Principles on Interim Self-Government Arrangements by the Government of Israel and the Palestine Liberation Organization on 13 September 1993, which aims at putting an end to human rights violations, as it would lead to a complete withdrawal of Israeli forces from occupied Palestinian and other Arab territories and enable the Palestinian people to exercise their national rights, mainly the right to self-determination, without foreign interference,

1. Reaffirms that the ongoing Israeli occupation of Palestinian and other Arab territories, including Jerusalem, itself constitutes a gross and systematic violation of human rights and an aggression under international law;

2. Also reaffirms that the continued human rights violations in the occupied Palestinian and other Arab territories after the signing of the said accord, as happened at the Tomb of the Patriarchs of Hebron in February 1994, the massacre at the AERZ roadblock at the entry point to the Gaza Strip on 17 July 1994, the Israeli forces' entry by force into

Victoria Hospital in Jerusalem in July 1994 and the continued imposition of collective punishment and isolation of occupied areas, all constitute grave violations of the principles of international humanitarian law and of the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, of the Universal Declaration of Human Rights, of the International Covenant on Economic, Social and Cultural Rights and of the International Covenant on Civil and Political Rights;

3. Further reaffirms that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Palestinians and to the Palestinian and other Arab territories occupied by Israel, and that the continued disregard and rejection of the provisions of the Convention by Israel constitute gross violations of the principles of international humanitarian law;

4. Calls upon the States parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to ensure respect by Israel for the Convention and to secure protection for the Palestinian people under occupation, until the end of this occupation, in accordance with article 1 of the Convention;

5. Reaffirms the inalienable rights of the Palestinian people to return to their homeland in accordance with General Assembly resolution 194 (III) of 11 December 1948, to self-determination without foreign interference and to establish their independent sovereign State on their national soil, in accordance with the principles and provisions of the Charter of the United Nations and with resolutions of the General Assembly and of the Commission on Human Rights;

6. Condemns the policy of Israel for:

(a) Its rejection of the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Palestinian and other occupied Arab territories, and calls upon Israel to respect its international obligations;

(b) Its gross violations of the rules of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

(c) Establishing Israeli settlements in the Palestinian and other occupied Arab territories, and calls for them to be dismantled, and confirms that all measures taken by Israel with the purpose of annexing, or of altering the demographic, cultural, religious or other character of, those territories, including Jerusalem, are illegal, null and void;

(d) Its continued occupation of the Syrian Golan and its defiance of the relevant United Nations resolutions, in particular Security Council resolution 497 (1981) of 17 December 1981, and reaffirms that the decision by Israel in 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan is null and void;

(e) The inhuman treatment and practices in violation of human rights which the Israeli occupation authorities continue to exercise against Syrian Arab citizens in the occupied Syrian Golan for their refusal to carry Israeli identity cards and in order to force them to carry such cards, which practices constitute a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and requests all States and competent international organizations not to recognize any Israeli laws, jurisdiction or administration in respect of the occupied Syrian territory;

7. Requests the Secretary-General to provide the Sub-Commission, at its forty-seventh session, with an updated list of reports, studies, statistics and other documents relating to the question of the Palestinian and other occupied Arab territories, with the texts of the most recent relevant United Nations decisions and resolutions and the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, and with all other information relevant to the implementation of the present resolution."

179. Mr. Bossuyt moved, under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, that the Sub-Commission take no action on draft resolution E/CN.4/Sub.2/1994/L.32.

180. Statements relating to the draft resolution and the motion were made by Ms. Chavez, Mr. El-Hajjé, Mr. Fan, Ms. Ferriol Echevarría, Mr. Khalil and Ms. Palley.

181. At the request of Mr. Bossuyt, a vote was taken on the motion.

182. The Sub-Commission adopted the motion not to take a decision on draft resolution E/CN.4/Sub.2/1994/L.32 by secret ballot by 12 votes to 10, with 1 abstention.

183. For the text of the decision, see chapter II, section B, decision 1994/112.

Human rights and terrorism

184. At the 35th meeting, on 25 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.34/Rev.1, sponsored by Mr. Bengoa, Mr. Bossuyt, Mr. Chernichenko, Ms. Daes, Mr. Decaux, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Hakim, Mr. Khalil, Mr. Khan, Mr. Maxim, Ms. Palley, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer. Mr. Boutkevitch subsequently joined the sponsors.

185. Mr. Guissé proposed to revise operative paragraph 2 by adding, after the words "eliminate terrorism", the words "in all its forms". The proposal was not accepted by the other sponsors.

186. Statements relating to the draft resolution and the proposal were made by Mr. Chernichenko, Mr. Eide, Mr. Fan, Ms. Gwanmesia, Mr. Joinet, Mr. Khalil, Mr. Khan and Ms. Palley.

187. The draft resolution was adopted without a vote.

188. For the text as adopted, see chapter II, section A, resolution 1994/18.

Situation of human rights in Chad

189. At the 35th meeting, on 25 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.36, sponsored by Mr. Bossuyt, Ms. Chavez, Ms. Koufa, Mr. Guissé, Ms. Gwanmesia, Mr. Decaux, Mr. Fix Zamudio, Mr. Khalil, Mr. Maxim, Ms. Palley, Mr. Ramadhane and Mr. Yimer. Mr. Boutkevitch subsequently joined the sponsors.

190. Ms. Gwanmesia moved, under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, that the Sub-Commission take no decision on the draft resolution.

191. Statements in connection with the draft resolution and the motion were made by Mr. Bossuyt, Mr. Chernichenko, Mr. Eide, Ms. Ferriol Echevarría, Ms. Forero Ucros, Mr. Joinet, Ms. Palley, Ms. Warzazi and Mr. Yimer.

192. Ms. Warzazi requested the closure of the debate under rule 50 of the rules of procedure of the functional commissions of the Economic and Social Council.

193. At the request of Ms. Gwanmesia, a vote was taken on her motion.

194. The Sub-Commission rejected the motion not to take a decision on draft resolution E/CN.4/Sub.2/1994/L.36, by secret ballot, by 13 votes to 10, with 2 abstentions.

195. A statement on the estimate of the programme budget implications of the draft resolution was made by a representative of the Secretary-General, in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

196. At the request of Mr. Chernichenko and Ms. Warzazi, a vote was taken on the draft resolution.

197. The draft resolution was adopted, by secret ballot, by 18 votes to 6, with 1 abstention.

198. For the text of the resolution, see chapter II, section A, resolution 1994/19.

Situation of human rights in Togo

199. At the 35th meeting, on 25 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.37, sponsored by Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Ms. Koufa, Mr. Eide, Ms. Gwanmesia, Mr. Joinet, Mr. Maxim, Ms. Palley and Mr. Ramadhane.

200. At the request of Ms. Ferriol Echevarría, a vote was taken on the draft resolution.

201. The draft resolution was adopted, by secret ballot, by 20 votes to 4, with 1 abstention.

202. For the text of the resolution, see chapter II, section A, resolution 1994/20.

Situation in Bougainville

203. At the 35th meeting, on 25 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.38, sponsored by Mr. Boutkevitch, Mr. Guissé, Mr. Fix Zamudio, Mr. Maxim and Ms. Palley.

204. Ms. Palley orally revised the text as follows:

(a) Replace, at the end of operative paragraph 5, the words "and also to allow international fact-finding missions unrestricted access to Bougainville" by the phrase "and to cooperate with them to enable them to fulfil their mandates;";

(b) Replace operative paragraph 6, which read as follows:

> "Requests the High Commissioner for Human Rights to monitor closely the situation in Bougainville and to report his findings to the Sub-Commission at its forty-seventh session;"

by a new operative paragraph 6.

205. The draft resolution, as revised, was adopted without a vote.

206. For the text of the resolution, see chapter II, section A, resolution 1994/21.

Violations of human rights of "enclaved groups"

207. At the 35th meeting, on 25 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.39, sponsored by Ms. Daes, which read as follows:

"The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the provisions of the Charter of the United Nations, the International Bill of Human Rights and other international and regional human rights instruments,

Recalling Commission on Human Rights resolution 1994/22 of 1 March 1994 on the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Disturbed by reports of violations of human rights and persecution of 'enclaved groups' in different parts of the world,

Requests the expert on minorities, Mr. Asbjørn Eide, when he has been authorized by the Commission on Human Rights to prepare his analytical report on minorities, in accordance with paragraph 12 of Commission resolution 1994/22, to study also the issues and situations relating to 'enclaved groups' and to include his comments, views and recommendations in his preliminary and final reports on minorities."

208. Statements in connection with the draft resolution were made by Mr. Chernichenko, Ms. Daes, Mr. Eide, Ms. Gwanmesia, Mr. Joinet, Mr. Maxim Ms. Palley, Ms. Warzazi and Mr. Yimer.

209. Upon Mr. Joinet's proposal, Ms. Attah moved, under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, that the Sub-Commission take no decision on the draft resolution and proposed to take a decision on the concept of "enclaved groups" under item 18 instead. The proposal was accepted by the sponsor.

210. For further action taken by the Sub-Commission on this issue, see chapter XIX.

Situation of human rights in Guatemala

211. At the 35th and 36th meetings, on 25 and 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.40, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Chernichenko, Mr. El-Hajjé, Ms. Forero Ucros, Mr. Guissé, Mr. Hatano, Mr. Joinet, Mr. Fix Zamudio, Mr. Maxim and Ms. Palley. Mr. Bossuyt subsequently joined the sponsors.

212. At the 35th meeting, on 25 August 1994, Mr. Joinet made an introductory statement in connection with the draft resolution.

213. At the same meeting, Mr. Eide proposed the following amendments:

(a) Add a new fourth preambular paragraph, to read as follows:

"Welcoming the measures adopted by the President of Guatemala in order to strengthen democracy and the rule of law;";

(b) Add, at the end of operative paragraph 8, the words "within the framework of the peace agreements."

214. In connection with Mr. Eide's amendments, Mr. Guissé proposed to replace the word "President" by "Government". The proposal was not accepted by the sponsors.

215. At the same meeting, the amendments proposed by Mr. Eide were accepted by the sponsors.

216. At the same meeting, upon the proposal of Ms. Warzazi, Mr. Joinet orally revised the eleventh preambular paragraph by replacing, after the words "human rights violations", the phrase "despite the signing of the agreements, frequently attributed to members of the armed forces and the security forces, as well as the so-called voluntary civil self-defence committees," by the words "whatever the source of the violations".

217. At the same meeting, statements in connection with the draft resolution, revisions and amendments, were made by Mr. Bengoa, Ms. Chavez, Mr. Eide, Ms. Ferriol Echevarría, Mr. Fix Zamudio, Ms. Forero Ucros, Mr. Guissé, Mr. Joinet, Mr. Lindgren Alves and Ms. Warzazi.

218. At the 35th meeting, on 25 August 1994, the draft resolution, as revised and amended, was adopted without a vote.

219. For the text of the resolution, see chapter II, section A, resolution 1994/23.

220. At the 36th meeting, on 26 August 1994, the observer for Guatemala made a statement.

Situation of human rights in Haiti

221. At the 35th meeting, on 25 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.41, sponsored by Mr. Bengoa, Mr. Bossuyt, Ms. Chavez, Mr. El-Hajjé, Ms. Forero Ucros, Mr. Decaux, Mr. Fix Zamudio, Mr. Maxim, Ms. Palley, Mr. Ramadhane and Ms. Warzazi.

222. On behalf of the sponsors, Mr. Bengoa made the following revisions:

(a) Delete the tenth preambular paragraph, which read as follows:

> "Taking note of Security Council resolution 940 (1994) of 31 July 1994,";

(b) Replace, in the eleventh preambular paragraph, the words "the United Nations Security Council" by the words "various organs and bodies of the United Nations system;";

(c) Merge operative paragraph 10, which read as follows:

> "Expresses the hope that the good offices mission being prepared by a group of Latin American countries will be successful"

with operative paragraph 7, which read as follows:

> "Welcomes with satisfaction the Security Council decision providing, in the context of the measures adopted under the Governors Island Agreement, for the deployment of the United Nations Mission in Haiti with the objective of cooperating with the lawful authorities for the professionalization of the army, the creation of a separate police force and the setting up of the necessary structures to guarantee the country a climate for the establishment of democracy;"

to create a new operative paragraph 7,

223. A statement in connection with the draft resolution and revisions was made by Ms. Warzazi.

224. The draft resolution, as revised, was adopted without a vote.

225. For the text of the resolution, see chapter II, section A, resolution 1994/22.

VIII. THE NEW INTERNATIONAL ECONOMIC ORDER AND THE PROMOTION OF HUMAN RIGHTS

(a) The role and equal participation of women in development

226. The Sub-Commission considered item 7 together with items 8 and 11 (see chaps. IX and XII) at its 30th, 31st and 34th meetings, on 23 and 25 August 1994.

227. In the general debate on item 7, statements [1] were made by the following members of the Sub-Commission: Mr. Eide (31st), Mr. Guissé (31st) and Mr. Zhong (30th).

228. Statements were made by the observers for Cuba (34th), India (34th), Latvia (31st), Nepal (34th) and Pakistan (34th).

229. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: American Association of Jurists (30th), Baha'i International Community (31st), Centre Europe-Tiers Monde (34th), International Association of Educators for World Peace (34th), International Commission of Jurists (30th), International Humanist and Ethical Union (30th), Service Peace and Justice in Latin America (on behalf of the Latin American Federation of Associations of Relatives of Disappeared Detainees and Andean Commission of Jurists) (31st) Sierra Club Legal Defense Fund, Inc. (31st), Movement against Racism and for Friendship among Peoples (31st), Women's International League for Peace and Freedom (30th) and World University Service (on behalf of International Organization for the Development of Freedom of Education) (31st).

230. Statements equivalent to a right of reply were made by the observers for Cuba (34th), Cyprus (34th), India (34th), Pakistan (34th), Turkey (34th) and United States of America (34th).

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[1] The number in parentheses following the names of States or organizations indicates the meeting at which the statement was made.

IX. THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

231. The Sub-Commission considered item 8, together with items 7 and 11 (see chaps. VIII and XII), at its 25th, 27th, 30th, 31st, 34th and 36th meetings, on 18, 19, 23, 25 and 26 August 1994.

232. The Sub-Commission had before it the following documents in connection with its consideration of the item:

The human rights dimensions of population transfer, including the implantation of settlers: progress report prepared by Mr. Awn Shawhat Al-Khasawneh, Special Rapporteur (E/CN.4/Sub.2/1994/18 and Corr.1);

Human rights and extreme poverty: interim report prepared by the Special Rapporteur, Mr. Leandro Despouy (E/CN.4/Sub.2/1994/19);

The right to adequate housing: second progress report submitted by Mr. Rajindar Sachar, Special Rapporteur (E/CN.4/Sub.2/1994/20);

Preparatory document on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution, prepared by Mr. Asbjørn Eide in accordance with Sub-Commission resolution 1993/40 (E/CN.4/Sub.2/1994/21);

Note verbale dated 3 August 1994 from the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations and other International Organizations at Geneva addressed to the Chairman of the forty-fifth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1994/47);

Note verbale dated 13 July 1994 from the Permanent Mission of Iraq to the United Nations Office at Geneva addressed to the Centre for Human Rights (E/CN.4/Sub.2/1994/55);

Written statement submitted by Habitat International Coalition, a non-governmental organization on the Roster (E/CN.4/Sub.2/1994/NGO/2);

Written statement submitted by Habitat International Coalition, a non-governmental organization on the Roster (E/CN.4/Sub.2/NGO/7);

Written statement submitted by Habitat International Coalition, a non-governmental organization on the Roster (E/CN.4/Sub.2/1994/NGO/18).

Joint written statement submitted by Disabled Peoples' International, Habitat International Coalition, Human Rights Advocates, International Indian Treaty Council, International Movement for Fraternal Union among Races and Peoples, Service Peace and Justice in Latin America and Sierra Club Legal Defense Fund, non-governmental organizations in consultative status (category II), and by the Indian Council of

South America, International Educational Development Inc., International Movement against All Forms of Discrimination and Racism and the World Organization against Torture, non-governmental organizations on the Roster (E/CN.4/Sub.2/1994/NGO/38).

233. At the 25th meeting, on 18 August 1994, the Special Rapporteur, Mr. Sachar, introduced his report (E/CN.4/Sub.2/1994/20).

234. At the 27th meeting, on 19 August 1994, the Special Rapporteur, Mr. Al-Khasawneh, introduced his report (E/CN.4/Sub.2/1994/18 and Corr.1).

235. At the 30th meeting, on 23 August 1994, Mr. Bengoa introduced the interim report on human rights and extreme poverty on behalf of Mr. Leandro Despouy, who was unable to attend the session (E/CN.4/Sub.2/1994/19).

236. In the general debate on item 8, statements 1/ were made by the following members of the Sub-Commission: Ms. Attah (25th), Mr. Bengoa (31st), Ms. Chavez (25th), Mr. Eide (31st), Mr. Fan (30th), Ms. Ferriol Echevarría (31st), Mr. Guissé (31st), Mr. Joinet (31st), Mr. Khalil (30th), Ms. Palley (27th, 30th, 34th), Mr. Yimer (27th, 30th) and Mr. Zhong (30th).

237. Statements were made by the observers for: Chile (34th), Cuba (34th), Cyprus (31st), India (34th), Iraq (31st), Latvia (31st), Nepal (34th) and Pakistan (34th).

238. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: African Association of Education for Development (31st), Baha'i International Community (31st), Centre Europe-Tiers Monde (34th), Four Directions Council (34th), Habitat International Coalition (31st), Indian Council of South America (30th), International Association of Democratic Lawyers (34th), International Association of Educators for World Peace (34th), International Confederation of Free Trade Unions (31st), International Commission of Jurists (30th), International Educational Development, Inc. (30th), International Federation Terre des Hommes (31st), International Humanist and Ethical Union (30th), International Lesbian and Gay Association (31st), International Movement against All Forms of Racism and Discrimination (31st), International Movement ATD Fourth World (31st), Liberation (34th), Movement against Racism and for Friendship among Peoples (31st), Service Peace and Freedom in Latin America (on behalf of Latin American Federation of Associations of Relatives of Disappeared Detainees and Andean Commission of Jurists (31st), Sierra Club Legal Defense Fund, Inc. (31st), Women's International League for Peace and Freedom (30th), World Federation of Democratic Youth (31st), World Federation of Trade Unions (30th) and World University Service (on behalf of International Organization for the Development of Freedom of Education (31st).

239. Statements equivalent to a right of reply were made by the observers for Cuba (34th), Cyprus (34th), India (34th), Pakistan (34th), Philippines (31st), Turkey (34th) and United States of America (34th).

240. At the 31st meeting, on 23 August 1994, Mr. Al-Khasawneh made his concluding remarks.

Measures towards the full realization of economic, social and cultural rights

241. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.18/Rev.1 sponsored by Mr. Eide, Mr. Hatano, Mr. Maxim, Ms. Palley and Mr. Yimer. Mr. Boutkevitch subsequently joined the sponsors.

242. The draft resolution was adopted without a vote.

243. For the text of the draft resolution, see chapter II, section A, resolution 1994/37.

Promoting the realization of the right to adequate housing

244. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.27 sponsored by Mr. Alfonso Martínez, Mr. Chernichenko, Mr. Eide, Mr. Hakim, Mr. Khalil, Mr. Khan, Mr. Maxim, Ms. Palley, Mr. Ramadhane and Mr. Yimer. Mr. Boutkevitch subsequently joined the sponsors.

245. The draft resolution was adopted without a vote.

246. For the text of the draft resolution, see chapter II, section A, resolution 1994/38.

Forced evictions

247. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.44 sponsored by Mr. Eide, Mr. Hatano, Mr. Hakim, Mr. Khan, Mr. Maxim, Ms. Palley and Mr. Yimer. Mr. Boutkevitch subsequently joined the sponsors.

248. The draft resolution was adopted without a vote.

249. For the text of the draft resolution, see chapter II, section A, resolution 1994/39.

Human rights and income distribution

250. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.46 sponsored by Mr. Fan, Ms. Ferriol Echevarría, Mr. Fix Zamudio, Ms. Forero Ucros, Mr. Hatano, Mr. Lindgren Alves, Mr. Maxim and Ms. Warzazi. Mr. Boutkevitch and Ms. Gwanmesia subsequently joined the sponsors.

251. A statement in connection with the draft resolution was made by Ms. Chavez.

252. The draft resolution was adopted without a vote.

253. For the text of the draft resolution, see chapter II, section A, resolution 1994/40.

Human rights and extreme poverty

254. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.47 sponsored by Mr. Bengoa, Ms. Ferriol Echevarría, Mr. Fix Zamudio, Ms. Forero Ucros and Ms. Warzazi. Mr. Boutkevitch subsequently joined the sponsors.

255. A statement in connection with the draft resolution was made by Mr. Eide.

256. The draft resolution was adopted without a vote.

257. For the text of the draft resolution, see chapter II, section A, resolution 1994/41.

Human rights dimensions of population transfer, including the implantation of settlers and settlements

258. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.52 sponsored by Ms. Daes, Mr. Fix Zamudio, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Hakim, Mr. Hatano, Mr. Khan, Mr. Maxim, Ms. Palley, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer. Mr. Boutkevitch subsequently joined the sponsors.

259. The draft resolution was adopted without a vote.

260. For the text of the draft resolution, see chapter II, section A, resolution 1994/42.

X. COMMUNICATIONS CONCERNING HUMAN RIGHTS: REPORT OF THE WORKING GROUP ON COMMUNICATIONS ESTABLISHED UNDER SUB-COMMISSION RESOLUTION 2 (XXIV) IN ACCORDANCE WITH ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503 (XLVIII)

261. The Sub-Commission considered item 9 at its 32nd, 33rd, 36th and 37th meetings on 24 and 26 August 1994.

262. By resolution 1503 (XLVIII) of 27 May 1979, the Economic and Social Council authorized the Sub-Commission to appoint a working group (Working Group on Communications) of no more than five of its members to meet annually for 10 working days, immediately before each session of the Sub-Commission, to consider all communications received by the Secretary-General under Council resolution 728 F (XXVIII) of 30 July 1959, including replies of Governments thereon, with a view to bringing to the attention of the Sub-Commission those communications which appeared to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms.

263. The procedure to be followed by the Working Group on Communications in deciding on the admissibility of communications was established by Sub-Commission resolution 1 (XXIV) of 13 August 1971, and the Working Group itself was set up in accordance with Sub-Commission resolution 2 (XXIV) of 16 August 1971.

264. The Sub-Commission had before it a confidential report on the work of the Working Group on Communications at its twenty-second session, held from 18 to 29 July 1994 (E/CN.4/Sub.2/1994/R.1 and addenda), certain communications which had been kept pending before the Sub-Commission since its forty-fifth session in 1993, as well as all government replies relevant to the material before it. The Sub-Commission wishes to stress in this connection that government cooperation is essential for the proper functioning of the bodies entrusted with the implementation of the procedure governed by Council resolution 1503 (XLVIII) and expresses the hope that all Governments will in the future respond to communications transmitted to them and thereby contribute to further development in international cooperation in the field of human rights. Mr. F. Yimer, Chairman-Rapporteur of the Working Group on Communications, introduced the Working Group's report and drew attention, as appropriate, to the material which was pending before the Sub-Commission since its forty-fifth session.

265. Following the discussion which ensued, the Sub-Commission decided, pursuant to paragraph 5 of Economic and Social Council resolution 1503 (XLVIII), to refer to the Commission on Human Rights for consideration certain particular situations which appeared to reveal a consistent pattern of gross and reliably attested violations of human rights. The Sub-Commission also decided to defer action on certain communications to its forty-seventh session, in 1995, and to take no action with regard to other communications.

266. At its 36th meeting (closed part), on 26 August 1994, the Sub-Commission adopted a confidential report, pursuant to paragraph 8 of Council resolution 1503 (XLVIII), by which it communicated to the Commission on Human Rights its decisions taken under paragraph 5 of that resolution.

267. At its 37th meeting, on 26 August 1994, the Sub-Commission decided on the composition of its Working Group on Communications that would meet prior to its forty-seventh session. For the composition of the Working Group, see chapter II, section B, decision 1994/119.

XI. THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

(a) Question of human rights of persons subjected to any form of detention or imprisonment

(b) Question of human rights and states of emergency

(c) Individualization of prosecution and penalties, and repercussions of violations of human rights on families

(d) The right to a fair trial

(e) Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

268. The Sub-Commission considered item 10 at its 23rd, 26th, 27th, 29th, 30th and 36th meetings, on 17, 19, 22, 23 and 27 August 1994.

269. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Report of the sessional working group on the administration of justice and the question of compensation (E/CN.4/Sub.2/1994/22);

Seventh revised annual report and list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency, presented by Mr. Leandro Despouy, Special Rapporteur appointed pursuant to Economic and Social Council resolution 1985/37 (E/CN.4/Sub.2/1994/23 and Corr.1);

The right to a fair trial: current recognition and measures necessary for its strengthening: final report prepared by Mr. Stanislav Chernichenko and Mr. William Treat (E/CN.4/Sub.2/1994/24);

National practices related to the right to a fair trial: report of the Secretary-General (E/CN.4/Sub.2/1994/25 and Add.1);

Report of the Secretary-General prepared pursuant to Sub-Commission resolution 1993/26 (E/CN.4/Sub.2/1994/26);

Note verbale dated 10 May 1994 from the Permanent Mission of the Republic of Iraq to the United Nations Office at Geneva addressed to the Centre for Human Rights (E/CN.4/1995/6-E/CN.4/Sub.2/1994/42);

Note verbale dated 12 July 1994 from the Permanent Mission of the State of Kuwait to the United Nations Office at Geneva addressed to the Centre for Human Rights (E/CN.4/1995/9-E/CN.4/Sub.2/1994/44);

Written statement submitted by the Commission for the Defense of Human Rights in Central America, a non-governmental organization in consultative status (category II);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1994/NGO/8);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1994/NGO/10);

Written statement submitted by Centre Europe-Tiers Monde, a non-governmental organization on the Roster (E/CN.4/Sub.2/1994/NGO/28);

270. At the 23rd meeting on 17 August 1994, Mr. William Treat introduced the final report, prepared by Mr. Stanislav Chernichenko and himself (E/CN.4/Sub.2/1994/24).

271. At the 26th meeting on 19 August 1994, Ms. Claire Palley, Chairperson-Rapporteur of the sessional working group on administration of justice and the question of compensation, introduced the report of the working group (E/CN.4/Sub.2/1994/22).

272. At the 30th meeting on 23 August 1994, Mr. Joinet introduced the seventh revised annual report on human rights and states of emergency on behalf of Mr. Leandro Despouy (E/CN.4/Sub.2/1994/23).

273. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Chernichenko (27th), Ms. Daes (26th), Mr. Fix Zamudio (26th), Mr. Guissé (26th), Mr. Hakim (26th), Mr. Hatano (23rd), Mr. Khan (27th), Mr. Merrils (26th) and Mr. Yimer (26th).

274. Statements were made by the observers for Pakistan (30th) and the Russian Federation (30th).

275. A statement was made by the representative for the United Nations Crime Prevention and Criminal Justice Branch (26th).

276. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations: Andean Commission of Jurists (29th), France-Libertés: Fondation Danielle Mitterrand (27th), International Association against Torture (29th), International Commission of Jurists (27th), International Educational Development, Inc. (29th), International Falcon Movement-Socialist Educational International (30th), International Federation of Human Rights (27th), International Federation of University Women (29th), International Human Rights Association of American Minorities (29th), International Islamic Federation of Student Organizations (27th), International League for Human Rights (29th), International League for the Rights and Liberation of Peoples (27th), International Movement for Fraternal Union among Races and Peoples (30th), International Organization against Torture (29th), Latin American Federation of Associations of Relatives of Disappeared Detainees (30th), Liberation (29th), Movement against Racism

and for Friendship among Peoples (27th), Pax Christi International (29th), Regional Council on Human Rights in Asia (29th), Service Peace and Justice in Latin America (29th), World Federation of Democratic Youth (29th), World Federation of Trade Unions (27th), World Muslim Congress (29th) and World Society of Victimology (27th).

277. Statements equivalent to a right of reply were made by the observers for: Democratic People's Republic of Korea (30th), Iran (Islamic Republic of) (30th), Morocco (30th), Turkey (30th) and Viet Nam (30th).

Right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms

278. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.16, sponsored by Mr. Bossuyt, Ms. Chavez, Ms. Daes, Mr. Eide, Mr. Fan, Ms. Gwanmesia, Mr. Maxim, Ms. Palley, Ms. Warzazi and Mr. Yimer. Mr. Boutkevitch subsequently joined the sponsors.

279. A statement in connection with the draft resolution was made by Ms. Palley.

280. The draft resolution was adopted without a vote.

281. For the text as adopted see chapter II, section A, resolution 1994/33.

Question of the impunity of perpetrators of violations of human rights

282. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.29, sponsored by Mr. Bengoa, Mr. Bossuyt, Ms. Chavez, Ms. Daes, Mr. Decaux, Mr. El-Hajjé, Mr. Fan, Ms. Forero Ucros, Mr. Guissé, Mr. Hakim, Mr. Hatano, Mr. Khalil, Mr. Fix Zamudio, Mr. Lindgren Alves, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer. Ms. Gwanmesia and Mr. Boutkevitch subsequently joined the sponsors.

283. The draft resolution was adopted without a vote.

284. For the text as adopted see chapter II, section A, resolution 1994/34.

The right to a fair trial

285. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.35, sponsored by Mr. Alfonso Martinez, Mr. Bengoa, Ms. Chavez, Ms. Daes, Mr. El-Hassé, Mr. Fix Zamudio, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Mr. Khan, Mr. Lindgren Alves, Mr. Maxim, Ms. Palley, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer. Mr. Boutkevitch subsequently joined the sponsors.

286. The draft resolution was adopted without a vote.

287. For the text as adopted see chapter II, section A, resolution 1994/35.

Question of human rights and states of emergency

288. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.50, sponsored by Mr. Decaux. Mr. Boutkevitch, Ms. Chavez and Ms. Gwanmesia subsequently joined the sponsors.

289. Statements in connection with the draft resolution were made by Mr. Bossuyt, Mr. Chernichenko, Mr. Decaux, Mr. Eide, Mr. El-Hajjé, Ms. Palley and Mr. Yimer.

290. A statement on the estimate of the programme budget implications of the draft resolution was made by a representative of the Secretary-General, in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

291. The draft resolution was adopted without a vote.

292. For the text as adopted see chapter II, section A, resolution 1994/36.

XII. PREVENTION OF DISCRIMINATION AGAINST WOMEN

293. The Sub-Commission considered item 11 together with items 7 and 8 (see chaps. VIII and IX) at its 31st, 34th and 36th meetings, on 23, 25 and 26 August 1994.

294. Statements were made by the observers for China (34th), Honduras (34th), India (34th) and Pakistan (34th).

295. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: Indian Institute for Non-Aligned Studies (31st), International Federation of University Women (34th), International Movement Against All Forms of Discrimination and Racism (31th) and Pax Christi International (34th).

Human rights of women and the girl child

296. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.53, sponsored by Mr. Bengoa, Mr. Boutkevitch, Mr. Chernichenko, Mr. Decaux, Mr. Fan, Ms. Ferriol Echevarría, Mr. Fix Zamudio, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Khalil, Mr. Khan, Mr. Lindgren Alves, Mr. Maxim, Ms. Palley, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer.

297. Ms. Daes proposed to amend operative paragraph 1 by adding in two places, after the words "every" and "all", the word "relevant". The amendment was accepted by the sponsors.

298. Ms. Warzazi proposed to replace the text of operative paragraph 5, which read as follows:

> "Decides to consider the question at its forty-seventh session under agenda item entitled 'Prevention of discrimination against women'."

with a new paragraph.

299. At the proposal of Ms. Gwanmesia and Mr. Eide, Ms. Warzazi further revised the draft resolution by adding a new operative paragraph 3 and a new operative paragraph 4.

300. The draft resolution, as amended and revised, was adopted without a vote.

301. For the text as adopted see chapter II, section A, resolution 1994/43.

XIII. HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS

302. At its 26th meeting, on 19 August 1994, the Sub-Commission decided, without a vote, to postpone consideration of item 12 of its agenda until its forty-seventh session.

303. For the text of the decision, see chapter II, section B, draft decision 1994/108.

XIV. ENCOURAGMENT OF UNIVERSAL ACCEPTANCE OF HUMAN RIGHTS INSTRUMENTS

304. The Sub-Commission considered item 13 at its 25th, 26th and 36th meetings, held on 18, 19 and 26 August 1994.

305. In connection with its consideration of the item, the Sub-Commission had before it a note by the Secretary-General (E/CN.4/Sub.2/1994/27).

306. At the 3rd meeting, on 3 August 1994, the Chairman in accordance with Sub-Commission resolution 1992/1, appointed Mr. Boutkevitch to report to the Sub-Commission on the information received under that resolution.

307. At the 25th meeting, on 18 August 1994, Mr. Boutkevitch presented an analysis of the information received.

308. The Sub-Commission heard statements 1/ by the following non-governmental organizations: Indian Institute for Non-Aligned Studies (26th), International Human Rights Association of American Minorities (26th), and Liberation (26th).

309. A statement was made by the observer for the Republic of Korea (26th).

310. A statement equivalent to a right of reply was made by the observer for Iraq (26th).

Encouragement of universal acceptance of human rights instruments

311. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.48, sponsored by Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Ms. Daes, Mr. Decaux, Mr. El-Hajjé, Mr. Fan, Mr. Fix Zamudio, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Mr. Hakim, Mr. Khalil, Mr. Khan, Mr. Lindgren Alves, Mr. Maxim, Ms. Palley, Ms. Warzazi and Mr. Yimer. Mr. Decaux subsequently withdrew as sponsor.

312. A statement in connection with the draft resolution was made by Mr. Decaux.

313. The draft resolution was adopted without a vote.

314. For the text as adopted see chapter II, section A, resolution 1994/31.

XV. INTERNATIONAL PEACE AND SECURITY AS AN ESSENTIAL CONDITION FOR THE ENJOYMENT OF HUMAN RIGHTS, ABOVE ALL THE RIGHT TO LIFE

315. In connection with item 14, the Sub-Commission had before it a supplementary working paper on the interrelationship between human rights and international peace prepared by Mr. Murlidhar Bhandare pursuant to Sub-Commission resolution 1989/47 (E/CN.4/Sub.2/1994/29).

316. At its 20th meeting, on 16 August 1994, the Sub-Commission decided, without vote, to postpone consideration of item 14 until its forty-seventh session.

317. For the text of the decision, see chapter II, section B, decision 1994/107.

XVI. DISCRIMINATION AGAINST INDIGENOUS PEOPLES

318. The Sub-Commission considered item 15 at its 28th and 29th meetings, on 22 and 23 August 1994.

319. The Sub-Commission had before it the following documents in connection with its consideration of the item:

> Technical review of the United Nations draft declaration on the rights of indigenous peoples (E/CN.4/Sub.2/1994/2);
>
> Draft declaration on the rights of indigenous peoples as agreed upon by the members of the Working Group at its eleventh session (E/CN.4/Sub.2/1994/2/Add.1);
>
> Report of the Working Group on Indigenous Populations on its twelfth session (E/CN.4/Sub.2/1994/30 and Corr.1);
>
> Protection of the heritage of indigenous people: preliminary report of the Special Rapporteur, Ms. Erica-Irene Daes, submitted in conformity with Sub-Commission resolution 1993/44 and decision 1994/105 of the Commission on Human Rights (E/CN.4/Sub.2/1994/31);
>
> Transnational investments and operations on the lands of indigenous peoples: report of the Centre on Transnational Cooperations submitted pursuant to Sub-Commission resolution 1990/26 (E/CN.4/Sub.2/1994/40);
>
> Note by the Chairperson-Rapporteur of the Working Group on Indigenous Populations, Ms. Erica-Irene A. Daes on the International Decade of the World's Indigenous People (E/CN.4/Sub.2/1994/52);
>
> Written statement submitted by the Indian Law Resource Center, a non-governmental organization on the Roster (E/CN.4/Sub.2/1994/NGO/15);
>
> Written statement submitted by the Commission for the Defense of Human Rights in Central America, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1994/NGO/16);
>
> Written statement submitted by the Grand Council of the Crees (of Quebec), a non-governmental organization on the Roster (E/CN.4/Sub.2/1994/NGO/31).
>
> Written statement submitted by the Indian Law Resource Center a non-governmental organization on the Roster (E/CN.4/Sub.2/1994/NGO/34).

320. At the 28th meeting on 22 August 1994, Ms. Erica-Irene Daes, Chairperson-Rapporteur of the Working Group on Indigenous Populations, introduced the Draft United Nations Declaration on the Rights of Indigenous Peoples (E/CN.4/Sub.2/1994/2 and Add.1), as well as the report of the Working Group (E/CN.4/Sub.2/1994/30).

321. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Ms. Attah (28th, 29th), Mr. Bengoa (28th, 29th), Mr. Boutkevitch (28th), Mr. Chernichenko (28th), Mr. Eide (28th, 29th), Ms. Forero Ucros (28th), Ms. Gwanmesia (29th), Mr. Hatano (28th), Mr. Joinet (28th), Mr. Lindgren Alves (29th), Ms. Palley (28th), Ms. Warzazi (28th), Mr. Yimer (28th).

322. Statements were made by the observers for: Australia (29th), Brazil (29th), Canada (29th), Chile (29th), Denmark (29th), Finland (29th), India (29th), Malaysia (29th), Pakistan (29th), United States of America (29th).

323. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations: Andean Commission of Jurists (28th), Anti-Slavery International (28th), Four Directions Council (28th), Grand Council of the Crees (on behalf of International Organization of Indigenous Resource Development) (29th), Indian Council of South America (28th), Indian Law Resource Center (28th), International Indian Treaty Council (28th), International Movement for Fraternal Union among Races and Peoples (28th), International Work Group for Indigenous Affairs (28th), Society for Endangered Peoples (28th) and Saami Council (28th).

324. A statement equivalent to a right to reply was made by the observer for Bangladesh (29th).

325. At the 29th meeting, on 23 August 1994, Ms. Daes made concluding remarks.

326. At the same meeting, Ms. Daes also introduced her preliminary report on the Protection of the Heritage of Indigenous Peoples (E/CN.4/Sub.2/1994/31).

Relocation of Navajo and Hopi Families

327. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.49, sponsored by Mr. Bengoa, Ms. Chavez and Mr. Hatano.

328. A statement in connection with the draft resolution was made by Mr. Hatano.

329. The draft resolution was adopted without a vote.

330. For the text as adopted see chapter II, section A, resolution 1994/44.

Draft United Nations declaration on the rights of indigenous peoples

331. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.54/Rev.1, sponsored by Mr. Bengoa, Mr. Bossuyt, Mr. Chernichenko, Ms. Daes, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Hakim, Mr. Khalil, Mr. Khan, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer. Mr. Boutkevitch, Ms. Forero Ucros and Ms. Gwanmesia subsequently joined the sponsors.

332. Ms. Daes proposed to revise the text as follows:

(a) Delete subparagraph (d) of operative paragraph 4;

(b) Delete subparagraph (e) of operative paragraph 4;

(c) In operative paragraph 5, delete, after the words "to participate", the word "fully".

333. The proposals were accepted by the other sponsors.

334. Statements relating to the draft resolution and revisions were made by Mr. Bengoa, Ms. Daes, Mr. Decaux, Mr. El-Hajjé, Ms. Ferriol Echevarria, Mr. Lindgren Alves, Ms. Warzazi and Mr. Yimer.

335. The draft resolution, as revised, was adopted without a vote.

336. For the text as adopted, see chapter II, section A, resolution 1994/45.

Discrimination against indigenous peoples

337. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.55/Rev.1, sponsored by Mr. Bengoa, Mr. Bossuyt, Mr. Chernichenko, Ms. Daes, Mr. Eide, Ms. Forero Ucros, Mr. Guissé, Mr. Hatano, Mr. Hakim, Mr. Khalil, Mr. Khan, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer. Mr. Boutkevitch subsequently joined the sponsors.

338. At the request of Mr. Lindgren Alves, Ms. Daes proposed to delete, in operative paragraph 5, after the words "between States and indigenous peoples," the words "the International Decade of the World's Indigenous People". The proposal was not accepted by the sponsors.

339. The draft resolution was adopted without a vote.

340. For the text as adopted, see chapter II, section A, resolution 1994/46.

Study on treaties, agreements and other constructive arrangements between States and indigenous populations

341. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft decision E/CN.4/Sub.2/1994/L.56, sponsored by Ms. Daes.

342. The draft decision was adopted without a vote.

343. For the text as adopted, see chapter II, section B, decision 1994/116.

International Decade of the World's Indigenous People

344. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.57, sponsored by Ms. Daes. Mr. Boutkevitch and Ms. Forero Ucros subsequently joined as sponsors.

345. The draft resolution was adopted without a vote.

346. For the text as adopted, see chapter II, section A, resolution 1994/47.

Permanent forum in the United Nations for indigenous people

347. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.58, sponsored by Ms. Daes. Mr. Boutkevitch and Ms. Forero Ucros subsequently joined as sponsors.

348. At the request of Mr. Lindgren Alves, Ms. Daes proposed to revise the third preambular paragraph by replacing the words "United Nations programmes" with "national programmes".

349. Ms. Palley proposed to revise the same paragraph by deleting, at the end of the paragraph, the words "as stated in article 22 of the Rio Declaration on Environment and Development and in chapter 26 of Agenda 21."

350. Mr. Lindgren Alves and Ms. Palley subsequently withdrew their proposals.

351. Statements relating to the draft resolution and proposals were made by Mr. Bengoa, Mr. Decaux, Mr. Fan, Mr. Lindgren Alves and Ms. Palley.

352. The draft resolution was adopted without a vote.

353. For the text as adopted, see chapter II, section A, resolution 1994/50.

Protection of the heritage of indigenous people

354. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.59, sponsored by Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Mr. Eide, Mr. Fan, Mr. Fix Zamudio, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Mr. Hakim, Mr. Joinet, Mr. Khalil, Mr. Khan, Ms. Koufa, Ms. Warzazi and Mr. Yimer.

355. At the suggestion of Mr. Lindgren Alves, Ms. Daes proposed to delete operative paragraph 2.

356. Ms. Warzazi proposed to revise operative paragraph 2 by replacing the word "Endorses" by the words "Takes note of".

357. The Chairperson proposed that Ms. Warzazi's revision be retained and that the words "which will constitute, after their adoption by the General Assembly, the first formal step towards committing the United Nations system to the protection of the heritage of indigenous people", following the word "guidelines", be deleted. The proposal was accepted by the sponsors.

358. The draft resolution, as revised and amended, was adopted without a vote.

359. For the text as adopted, see chapter II, section A, resolution 1994/48.

Participation of indigenous persons and organizations in higher bodies of the United Nations

360. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.60, sponsored by Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch, Ms. Daes, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Hakim, Mr. Khalil, Mr. Khan, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer. Ms. Forero Ucros and Ms. Gwanmesia subsequently joined as sponsor.

361. Ms. Ferriol Echevarría proposed to delete the third preambular paragraph. She subsequently withdrew her proposal.

362. The same proposal was made by Mr. Yimer. The proposal was accepted by the sponsors.

363. Ms. Palley proposed to amend the text as follows:

(a) Replace, in operative paragraph 1, the word "at" by the word "during";

(b) Add, at the end of the title of the draft resolution, the words "during discussion of the Draft Declaration on the Rights of Indigenous Peoples".

364. The proposals were accepted by the sponsors.

365. Ms. Daes proposed to revise the draft resolution by replacing, throughout the text, the word "higher" with the word "all". The proposal was not accepted by the other sponsors.

366. Statements relating to the draft resolution, revisions and amendments were made by Ms. Daes, Mr. Decaux, Mr. Fan, Ms. Ferriol Echevarría, Ms. Palley and Mr. Yimer.

367. The draft resolution, as revised and amended, was adopted without a vote.

368. For the text as adopted, see chapter II, section A, resolution 1994/49.

Composition of the Working Group on Indigneous Populations

369. At its 37th meeting, on 26 August 1994, the Sub-Commission decided on the composition of its pre-sessional working groups that would meet prior to its forty-seventh session. For the composition of the Working Group on Indigeous Populations, see chapter II, section B, decision 1994/119.

XVII. CONTEMPORARY FORMS OF SLAVERY

370. The Sub-Commission considered item 16 at its 11th to 13th and 27th meetings, on 9, 10 and 19 August 1994.

371. In connection with its consideration of the item, the Sub-Commission had before it the following documents:

> Report of the Working Group on Contemporary Forms of Slavery on its nineteenth session (E/CN.4/Sub.2/1994/33 and Corr.1);
>
> Report of the Secretary-General on the Programme of Action for the Elimination of the Exploitation of Child Labour and Debt Bondage, submitted pursuant to Commission on Human Rights resolution 1993/79 (E/CN.4/Sub.2/1994/34);
>
> Note by the secretariat pursuant to paragraph 3 of Commission on Human Rights resolution 1993/27 and paragraphs 25 and 26 of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1993/5 (E/CN.4/Sub.2/1994/41);
>
> Written statement submitted by the International Fellowship of Reconciliation, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1994/NGO/30).

372. At the 11th meeting, on 9 August 1994, Mr. Maxim, the Chairman-Rapporteur of the Working Group on Contemporary Forms of Slavery, introduced the report of the Working Group (E/CN.4/Sub.2/1994/33 and Corr.1)

373. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Boutkevitch (12th), Ms. Chavez (12th), Mr. Eide (11th), Ms. Forero Ucros (12th), Mr. Guissé (12th), Ms. Gwanmesia (12th), Mr. Limón Rojas (12th), Mr. Lindgren Alves (11th, 12th), Mr. Maxim (12th), Ms. Palley (11th, 13th), Ms. Warzazi (12th, 13th) and Mr. Yimer (11th, 12th).

374. Statements were made by the observers for Colombia (13th), the Democratic People's Republic of Korea (13th), India (13th), the Netherlands (13th), and the Republic of Korea (13th).

375. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations: Anti-Slavery International (on behalf of International Catholic Child Bureau, International Abolitionist Federation, International Federation of Social Workers, International Federation of Women in Legal Careers, International Federation Terre des Hommes, Soroptimist International and World Federation of Methodist Women) (12th), Commission of the Churches on International Affairs of the World Council of Churches (12th), Indian Institute for Non-Aligned Studies (11th), International Association of Democratic Lawyers (12th), International Association of Educators for World Peace (11th), International Educational Development, Inc. (12th), International Federation of University Women (12th), International Fellowship of Reconciliation (12th), International Human Rights

Association of American Minorities (12th), International League for Human Rights (13th), Liberation (11th), Pax Romana (12th), Women's International League for Peace and Freedom (12th) and World Organization against Torture (13th).

376. At the 13th meeting, on 10 August 1994, Mr. Maxim, the Chairman-Rapporteur of the Working Group on Contemporary Forms of Slavery, made his concluding remarks.

Slavery during wartime

377. At its 27th meeting, on 19 August 1994, the Sub-Commission considered draft decision E/CN.4/Sub.2/1994/L.8 sponsored by Ms. Chavez, Ms. Daes, Mr. Eide, Ms. Forero Ucros, Ms. Gwanmesia, Mr. Hatano, Ms. Palley and Mr. Yimer.

378. Ms. Chavez orally revised the draft decision by deleting the words "in particular", in two places, after the words "slavery-like practices during wartime including,".

379. The draft decision was adopted as revised, without a vote.

380. For the text of the draft resolution, see Chapter II, section B, decision 1994/108.

Report of the Working Group on Contemporary Forms of Slavery

381. At the same meeting the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.13 sponsored by Mr. Alfonso Martínez, Mr. Eide, Mr. El-Hajjé, Mr. Guissé, Mr. Hakim, Mr. Maxim, Ms. Palley, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer. Mr. Boutkevitch and Mr. Lindgren Alves subsequently joined the sponsors.

382. Mr. Maxim revised the text as follows:

(a) Insert, in the second preambular paragraph, the words "alleged practice of" before the words "removal of organs";

(b) Replace, in operative paragraph 4, the words "organ transplantation" by "alleged transplantation of organs";

(c) Add, at the end of operative paragraph 7, the phrase "and requests that international cooperation be extended to developing countries for establishing and implementing such programmes";

(d) Add, in operative paragraph 8, after the words "non-governmental organizations", the phrase "including scientific and medical associations";

(e) Delete, in operative paragraph 9, the words "in depth" after the word "matter", and the words "in particular" after "session and";

(f) Add, in operative paragraph 9, after the word "drafting", the phrase "with the cooperation of the World Health Organisation";

(g) Replace, in operative paragraph 18, the word "restrict" with "prohibit", and add, after the word "projects", the phrase "with the cooperation and financial contribution of the tourist industry";

(h) Insert, after operative paragraph 18, a new paragraph 19 to read as follows "Recommends that Governments adopt legislation to punish their citizens who make use of sex tourism, particularly when it involves child prostitution and child pornography;", and renumber the subsequent paragraphs accordingly.

(i) Insert, in new operative paragraph 21, after the word "States", "non-governmental organizations, tourist industry syndicates, religious leaders and grass-roots organizations";

(j) Delete, in new operative paragraph 26, the words "inside the family".

383. Ms. Warzazi orally revised new operative paragraph 19 by deleting the word "particularly".

384. Following a discussion in which Ms. Ferriol Echevarría, Ms. Gwanmesia and Mr. Lindgren Alves participated, the words "to developing countries" in operative paragraph 7 were deleted.

385. Statements in connection with the draft resolution, revisions and amendments were made by Ms. Ferriol Echevarría, Ms. Gwanmesia, Mr. Lindgren Alves, Ms. Palley and Ms. Warzazi.

386. A statement on the estimate of the programme budget implications of the draft resolution was made by a representative of the Secretary-General, in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

387. The draft resolution, as revised and amended, was adopted without a vote.

388. For the text of the draft resolution, see chapter II, section A, resolution 1994/5.

United Nations Trust Fund on Contemporary Forms of Slavery

389. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.14 sponsored by Mr. Alfonso Martínez, Mr. Eide, Mr. Guissé, Mr. Hakim, Mr. Maxim, Ms. Palley, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer. Mr. Boutkevitch subsequently joined the sponsors.

390. The draft resolution was adopted without a vote.

391. For the text of the draft resolution, see chapter II, section A, resolution 1994/6.

Machinery for monitoring the international conventions on slavery

392. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.15 sponsored by Mr. Alfonso Martínez, Mr. Eide, Mr. El-Hajjé, Mr. Guissé, Mr. Hakim, Mr. Maxim, Ms. Palley, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer. Mr. Boutkevitch subsequently joined the sponsors.

393. The draft resolution was adopted without a vote.

394. For the text of the draft resolution, see chapter II, section A, resolution 1994/7.

XVIII. PROMOTION, PROTECTION AND RESTORATION OF HUMAN RIGHTS AT NATIONAL, REGIONAL AND INTERNATIONAL LEVELS:

(a) Prevention of discrimination and protection of children: human rights and youth

(b) Human rights and disability

395. The Sub-Commission considered item 17 at its 12th to 14th, and 27th meetings, held on 10, 11 and 19 August 1994.

396. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Report prepared by the Secretary-General pursuant to Sub-Commission resolution 1993/22 (E/CN.4/Sub.2/1994/35);

Written statement prepared by the American Association of Jurists, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1994/NGO/17).

397. In the general debate on the item 17, statements 1/ were made by the following members of the Sub-Commission: Ms. Forero Ucros (12th), Mr.Guissé (12th), Ms. Koufa (13th), Ms. Palley (13th) and Mr. Zhong (13th).

398. Statements were made by the observers for Brazil (14th), Cuba (14th), El Salvador (14th) and Iraq (14th).

399. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: American Association of Jurists (13th), Habitat International Coalition (13th), Human Rights Advocates, (13th), International Association of Educators for World Peace (13th), International Islamic Federation of Student Organizations (14th), International League for the Rights and Liberation of Peoples (13th), International Lesbian and Gay Association (13th), International Movement against All Forms of Discrimination and Racism (14th), Liberation (14th), Minority Rights Group (13th) and World Organization against Torture (13th).

400. A statement equivalent to a right of reply was made by the observer for Viet Nam (14th).

Children and the right to adequate housing

401. At its 27th meeting, on 19 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.7 sponsored by Mr. Bengoa, Mr. Eide, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Lindgren Alves, Mr. Maxim, Mr. Merrills and Mr. Yimer. Mr. Boutkevitch subsequently joined as sponsor.

402. A statement in connection with the draft resolution was made by Ms. Forero Ucros.

403. The draft resolution was adopted without a vote.

404. For the text of the resolution, see chapter II, section A, resolution 1994/8.

Situation of children deprived of their liberty

405. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.9 sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Ms. Koufa, Mr. Eide, Mr. El-Hajjé, Mr. Fan, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Hakim, Mr. Fix Zamudio, Mr. Khan, Mr. Lindgren Alves, Mr. Maxim, Ms. Palley, Mr. Ramadhane, Ms. Warzazi, Mr. Yimer and Mr. Yokota.

406. The draft resolution was adopted without a vote.

407. For the text of the resolution, see chapter II, section A, resolution 1994/9.

Human rights and disability

408. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.12 sponsored by Mr. El-Hajjé. Mr. Boutkevitch, Mr. Khan and Ms. Palley subsequently joined the sponsors.

409. Ms. Warzazi requested that the last preambular paragraph be deleted.

410. In connection with operative paragraph 3, which read "Decides to remain seized of the question and to consider it at its forty-seventh session under the agenda item entitled 'Review of further developments in fields with which the Sub-Commission has been concerned.'", Ms. Ferriol Echevarría proposed that the question of human rights and disability be retained under agenda item 17 (b) at the forty-seventh session of the Sub-Commission. The amendment was accepted by the sponsors.

411. Mr. Decaux proposed to insert, after the words "Standard Rules", the words "in themselves". The amendment was accepted by the sponsors.

412. Statements in connection with the draft resolution, revisions and amendments were made by Mr. Decaux, Mr. El-Hajjé, Ms. Ferriol Echevarría, Mr. Guissé, Ms. Palley and Ms. Warzazi.

413. The draft resolution, as revised and amended, was adopted without a vote.

414. For the text as adopted, see chapter II, section A, resolution 1994/10.

XIX. PROTECTION OF MINORITIES

415. The Sub-Commission considered agenda item 18 at its 7th to 11th, 27th, and 36th meetings, on 5, 8, 9, 19 and 26 August 1994.

416. The Sub-Commission had before it the following documents in connection with its consideration of the item:

> Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities: prepared by Mr. Asbjorn Eide (E/CN.4/Sub.2/1993/34 and Add. 1-4);
>
> Working Paper containing suggestions for a comprehensive programme for the prevention of discrimination and protection of minorities (E/CN.4/Sub.2/1994/36 and Corr.1);
>
> Note verbale dated 28 July 1994 from the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office and Other International Organizations at Geneva addressed to the Chairman of the forty-fifth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1994/46);
>
> Letter dated 5 August 1994 from the Permanent Representative of the Russian Federation to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/Sub.2/1994/48);
>
> Note verbale dated 5 August 1994 from the Permanent Mission of the Republic of Latvia to the United Nations Office at Geneva addressed to the Centre for Human Rights (E/CN.4/Sub.2/1994/49);
>
> Note verbale dated 12 July 1994 from the Permanent Mission of Iraq to the United Nations Office at Geneva addressed to the Centre for Human Rights (E/CN.4/Sub.2/1994/54);
>
> Written Statement submitted by the Baha'i International Community, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1994/NGO/1);
>
> Written Statement submitted by the International Human Rights Association of American minorities, a non-governmental organization on the Roster (E/CN.4/Sub.2/1994/NGO/3);
>
> Written statement submitted by the Commission for the Defense of Human Rights in Central America, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1994/NGO/6;
>
> Written statement submitted by Pax Christi International, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1994/NGO/19);

Written statement submitted by the International Human Rights Association of American Minorities, a non-governmental organization on the Roster (E/CN.4/Sub.2/1994/NGO/23);

417. At its 7th meeting, on 5 August 1994, Mr.Eide introduced his working paper (E/CN.4/Sub.2/1994/36 and Corr.1).

418. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (8th, 10th), Mr. Bengoa (8th), Mr. Bossuyt (9th), Mr. Boutkevitch (9th), Mr. Chernichenko (9th, 10th), Ms. Daes (9th), Mr. Eide (8th, 10th), Mr. El-Hajjé (9th), Mr. Fan (9th), Ms. Forero Ucros (8th), Mr. Guissé (8th), Ms. Gwanmesia (10th), Mr. Hakim (10th), Mr. Joinet (8th, 10th), Mr. Khalifa (9th), Mr. Khan (8th), Mr. Lindgren Alves (9th), Mr. Maxim (8th), Ms. Palley (10th), Ms. Warzazi (9th) and Mr. Yimer (8th, 10th).

419. Statement were made by the observers for Hungary (10th), Latvia (10th), Nigeria (11th), Russian Federation (10th), The Former Yugoslav Republic of Macedonia (8th) and Turkey (11th).

420. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations: Human Rights Advocates (8th), Indian Institute for Non-Aligned Studies (8th), International Council of Jewish Women (10th), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities (10th), International Fellowship of Reconciliation (8th), International Human Rights Association of American Minorities (8th), International League for Human Rights (10th), International Lesbian and Gay Association (8th), International Movement Against All Forms of Discrimination and Racism (10th), International Organization for the Development of Freedom of Education (8th), Minority Rights Group (8th), Movement against Racism and for Friendship among Peoples (10th) and Pax Christi International (10th).

421. Statements equivalent to a right of reply were made by the observers for Albania (11th), India (11th), Iran (Islamic Republic of) (11th), Iraq (8th) and Pakistan (11th).

422. At the 11th meeting, on 9 August 1994, Mr. Eide made his concluding remarks.

Strengthening the prevention and punishment of the crime of genocide

423. At the 27th meeting, on 19 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.5, sponsored by Mr. Bengoa, Ms. Chavez, Mr. Eide, Mr. El-Hajjé, Mr. Guissé, Mr. Hakim, Mr. Joinet, Mr. Khalifa, Mr. Khan, Mr. Limón Rojas, Mr. Lindgren Alves, Mr. Maxim, Ms. Palley, Ms. Warzazi and Mr. Yimer. Mr. Bossuyt and Mr. Boutkevitch subsequently joined the sponsors.

424. Ms. Warzazi, on behalf of the sponsors, revised the text by replacing at the end of the last preambular paragraph the words "study on the question of the prevention and punishment of the crime of genocide (E/CN.4/Sub.2/1984/40)" by "second report (E/CN.4/Sub.2/1985/6)".

425. Mr. El-Hajjé proposed to delete in the last preambular paragraph the reference to the work of the International Law Commission. The proposal was not accepted by other sponsors.

426. Ms. Daes proposed to amend operative paragraph 1 as follows: to replace the word "Request" by "Recommends to the Commission on Human Rights to request". The amendment was accepted by the sponsors.

427. Upon proposals made by Mr. Chernichenko and Ms. Ferriol Echevarría, Ms. Warzazi, on behalf of the sponsors, agreed to revise operative paragraph 4 by deleting after the word "crime" the phrase "and also by extending its enforcement, which has until now been limited to ethical, racial or religious genocide, to political genocide".

428. Statements in connection with the draft resolution, revisions and amendments were made by Mr. Chernichenko, Mr. Decaux, Mr. Fan, Ms. Ferriol Echevarría, Mr. Lindgren Alves, Ms. Warzazi and Mr. Yimer.

429. At the request of Mr. Lindgren Alves, the Sub-Commission decided to postpone consideration of draft resolution E/CN.4/Sub.2/1994/L.5.

430. At its 34th meeting, on 25 August 1994, the Sub-Commission resumed consideration of draft resolution E/CN.4/1994/L.5.

431. Ms. Warzazi proposed to revise operative paragraph 4 as follows:

(a) In the French text, delete, after the words "l'inclusion" the words "d'une part";

(b) Replace the words "by extending" by the phrase "to study the possibility of extending".

432. Statements in connection with the draft resolution and revision were made by Mr. Bossuyt, Mr. Chernichenko, Mr. Fan, Ms. Ferriol Echevarría, Mr. Joinet, Mr. Lindgren Alves and Ms. Warzazi.

433. Mr. Bossuyt and Mr. Boutkevitch subsequently joined the sponsors.

434. The draft resolution, as amended and revised, was adopted without a vote.

435. For the text of the resolution, see chapter II, section A, resolution 1994/11.

Prevention of discrimination and protection of minorities

436. At its 27th meeting, on 19 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.6, sponsored by Mr. Bengoa, Ms. Chavez, Ms. Daes, Mr. El-Hajjé, Mr. Fan, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Hakim, Mr. Joinet, Mr. Khalifa, Mr. Khan, Mr. Limón Rojas, Mr. Lindgren Alves, Mr. Maxim, Mr. Merrills, Ms. Warzazi, Mr. Yimer and Mr. Yokota. Mr. Bossuyt and Mr. Boutkevitch subsequently joined the sponsors.

437. A statement on an estimate of the programme budget implications of the draft resolution was made by a representative of the Secretary General, in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

438. The draft resolution was adopted without a vote.

439. For the text of the resolution, see chapter II, section A, resolution 1994/4.

Pre-sessional working group on Minorities

440. At its 36th meeting, on 26 August 1994, upon the oral proposal of Ms. Daes and Mr. Eide, the Sub-Commission adopted, without a vote, draft decision 1994/115.

441. For the text of the decision, see chapter II, section B, decision 1994/115.

Concept and issues relating to "enclaved groups"

442. At its 36th meeting, on 26 August 1994, upon a proposal by Mr. Joinet, Ms. Daes and Mr. Eide made a proposal concerning a decision on the concept and issues relating to "enclaved groups".

443. The decision, as orally proposed by Ms. Daes and Mr. Eide, was adopted without a vote.

444. For the text of the decision, see chapter II, section B, decision 1994/113.

XX. FREEDOM OF MOVEMENT

(a) Situation of migrant workers and members of their families

445. The Sub-Commission considered item 19 at its 21st and 36th meetings on 16 and 26 August 1994.

446. In the general debate on item 19, statements 1/ were made by the following members of the Sub-Commission: Mr. Eide (21st) and Ms. Warzazi (21st).

447. A statement was made by the observer for the Former Yugoslav Republic of Macedonia (21st).

448. A statement was made by the observer for the United Nations High Commissioner for Refugees (21st).

449. A statement equivalent to a right of reply was made by the observer for Iraq (21st).

450. The Sub-Commission heard statements by the representatives of the following non-governmental organizations: International Association of Educators for World Peace (21st), International Human Rights Association of American Minorities (21st), International Islamic Federation of Student Organizations (21st), Pax Christi International (21st), Women's International League for Peace and Freedom (21st) and World Society of Victimology (21st).

The right to freedom of movement

451. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.17, sponsored by Mr. Bossuyt, Ms. Chavez, Mr. Eide, Mr. El-Hajjé, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Ms. Palley, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer. Mr. Boutkevitch subsequently joined the sponsors.

452. The draft resolution was adopted without a vote.

453. For the text as adopted see chapter II, section A, resolution 1994/24.

XXI. IMPLICATIONS OF HUMANITARIAN ACTIVITIES FOR THE ENJOYMENT OF HUMAN RIGHTS

454. The Sub-Commission considered agenda item 20 at its 21st, 22nd, 23rd and 36th meetings, held on 16, 17 and 26 August 1994.

455. In connection with its consideration of the item, the Sub-Commission had before it a further preparatory document submitted by Ms. Claire Palley on the question of the role of the United Nations in international humanitarian activities and assistance and human rights enforcement, bearing in mind the principle of non-interference (E/CN.4/Sub.2/1994/39)

456. At the 21st meeting, on 16 August 1994, Ms. Palley orally introduced her preparatory document (E/CN.4/Sub.2/1994/39).

457. In the general debate, statements 1/ were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (22nd), Mr. Bossuyt (22nd), Ms. Chavez (22nd), Mr. Chernichenko (21st, 22nd), Ms. Daes (22nd), Mr. Eide (21st), Mr. El-Hajjé (22nd), Mr. Fan (22nd), Mr. Joinet (22nd), Mr. Khalifa (21st), Mr. Khan (22nd), Mr. Lindgren Alves (22nd) and Mr. Yokota (21st).

458. The Sub-Commission heard statements by the representatives of the following non-governmental organizations: American Association of Jurists (22nd), Human Rights Advocates (23rd), International Educational Development, Inc. (23rd) and International Movement For Fraternal Union Among Races and Peoples (23rd).

459. At its 23rd meeting, on 17 August 1994, Ms. Palley made her concluding remarks.

Question of the implications for human rights of United Nations action, including humanitarian assistance, in addressing international humanitarian problems and the promotion and protection of human rights

460. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.45, sponsored by Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch, Ms. Daes, Mr. Decaux, Mr. Fix Zamudio, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Mr. Hakim, Mr. Khalil, Mr. Khan, Mr. Lindgren Alves, Mr. Maxim, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer.

461. Statements in connection with the draft resolution were made by Mr. Decaux, Mr. Fan, Ms. Ferriol Echevarría and Ms. Palley.

462. The draft resolution was adopted without a vote.

463. For the text as adopted see chapter II, section A, resolution 1994/25.

XXII. CONSIDERATION OF THE FUTURE WORK OF THE SUB-COMMISSION AND OF THE DRAFT PROVISIONAL AGENDA FOR THE FORTY-SEVENTH SESSION OF THE SUB-COMMISSION

464. The Sub-Commission considered agenda item 21 at its 37th meeting, held on 26 August 1994.

465. A note prepared by the Secretary-General in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII) of 1 August 1974 (E/CN.4/Sub.2/1994/L.1), containing a draft provisional agenda for the forty-seventh session of the Sub-Commission, a list of the documents to be submitted under each item and the legislative authority for their preparation, was transmitted to members of the Sub-Commission after the conclusion of its forty-sixth session.

466. The members of the Sub-Commission took note of the draft provisional agenda (E/CN.4/Sub.2/1994/L.1).

467. The text of the draft provisional agenda for the forty-seventh session of the Sub-Commission reads as follows:

1. Election of officers.

2. Adoption of the agenda.

3. Review of the work of the Sub-Commission.

   Legislative authority: Commission on Human Rights resolution 1994/23 and Sub-Commission resolutions 5 (XIV), 1992/8 and 1994/32 and decisions 2 (XXXIV) and 1994/117.

4. Review of further developments in fields with which the Sub-Commission has been concerned.

   Legislative authority: Sub-Commission resolutions 1994/28, 1994/29, 1994/30 and 1994/32 and decision 1994/114.

   Documentation:

   (a) Report by the Special Rapporteur (para. 2 of resolution 1994/28);

   (b) Preliminary report by the Special Rapporteur (para. 6 of resolution 1994/30).

5. Elimination of racial discrimination:

   (a) Measures to combat racism and racial discrimination and the role of the Sub-Commission;

(b) Monitoring the transition to democracy in South Africa.

Legislative authority: Sub-Commission resolutions 1994/3 and 1994/4.

Documentation:

Final report by the Special Rapporteur (para. 4 of resolution 1994/3).

6. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII).

Legislative authority: Sub-Commission resolutions 1994/14, 1994/16, 1994/18, 1994/19 and 1994/22.

Documentation:

(a) Note by the Secretary-General (para. 8 of resolution 1994/16);

(b) Working paper by Mr. Ramadhane (para. 3 of resolution 1994/18).

7. The new international economic order and the promotion of human rights:

(a) The role and equal participation of women in development.

Legislative authority: Sub-Commission resolutions 1987/26 and 1989/1.

Documentation:

(a) Report of the Commission on the Status of Women (resolution 1987/26);

(b) Report of the Committee on the Elimination of Discrimination against Women (resolution 1987/26).

8. The realization of economic, social and cultural rights.

Legislative authority: Sub-Commission resolutions 1994/37, 1994/38, 1994/39, 1994/40 and 1994/41.

Documentation:

(a) Reports of the Secretary-General (para. 8 of resolution 1994/37);

(b) Final report by the Special Rapporteur (para. 8 of resolution 1994/38);

(c) Report of the Secretary-General (para. 12 of resolution 1994/39);

(d) Preliminary report by the Special Rapporteur (para. 5 of resolution 1994/40);

(e) Second interim report by the Special Rapporteur (para. 4 of resolution 1994/41).

9. Communications concerning human rights: report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII).

Legislative authority: Economic and Social Council resolution 1503 (XLVIII) and Sub-Commission resolutions 1 (XXIV) and 2 (XXIV).

Documentation:

Confidential report of the Working Group and supporting papers.

10. The administration of justice and the human rights of detainees:

Legislative authority: Sub-Commission resolution 1994/33 and 1994/34.

Documentation:

(a) Report of the Secretary-General (para. 2 of resolution 1994/33);

(b) Reports by the two Special Rapporteurs (para. 3 of resolution 1994/34).

(a) Question of human rights and states of emergency.

Legislative authority: Sub-Commission resolution 1994/36.

Documentation:

Annual report and list updated by the Special Rapporteur (paras. 7, 8 and 9).

(b) Individualization of prosecution and penalties, and repercussions of violations of human rights on families.

Legislative authority: Commission on Human Rights resolution 26 (XXXVI).

(c) Application of international standards concerning the human rights of detained juveniles.

Legislative authority: Sub-Commission resolution 1993/27.

Documentation:

Report by the Secretary-General (para. 4 of resolution 1993/27).

(d) Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers.

Legislative authority: Sub-Commission decision 1994/101.

11. The implementation of the human rights of women.

Legislative authority: Sub-Commission resolution 1994/43 and decision 1994/101.

Documentation:

Reports of the Secretary-General (paras. 4 and 6 of resolution 1994/43).

12. Human rights and scientific and technological developments.

Legislative authority: Commission on Human Rights resolution 1993/91 and Sub-Commission decisions 1992/104 and 1994/108.

13. Elimination of all forms of intolerance and discrimination based on religion and belief.

Legislative authority: Sub-Commission resolution 1985/34.

14. International peace and security as an essential condition for the enjoyment of human rights, above all the right to life.

Legislative authority: Sub-Commission resolution 1992/7 and decision 1994/107.

Documentation:

Supplement to the working paper submitted by Mr. M. C. Bhandare (para. 4 of resolution 1992/7).

15. Discrimination against indigenous peoples.

Legislative authority: Economic and Social Council resolutions 1982/34 and 1989/77 and Sub-Commission resolutions 1994/44, 1994/46 and 1994/47 and decision 1994/116.

Documentation:

(a) Report of the Secretary-General (para. 6 of resolution 1994/44);

(b) Final report by the Special Rapporteur (para. 4 of resolution 1994/48);

(c) Second progress report by the Special Rapporteur (decision 1994/116).

16. Contemporary forms of slavery.

Legislative authority: Economic and Social Council decisions 16 and 17 (LVI) and Sub-Commission resolutions 1989/41 and 1994/5 and decision 1994/109.

Documentation:

(a) Report of the Working Group (resolution 1994/5);

(b) Report of the Secretary-General (para. 6 of resolution 1994/5);

(c) Working paper by Ms. L. Chavez (decision 1994/109).

17. Promotion, protection and restoration of human rights at national, regional and international levels:

(a) Prevention of discrimination and protection of children: human rights and youth;

(b) Human rights and disability.

Legislative authority: Commission on Human Rights resolution 1985/13 and Sub-Commission resolutions 1994/8, 1994/9 and 1994/10.

Documentation:

(a) Note by the Secretary-General (para. 3 of resolution 1994/9);

(b) Report of the Secretary-General (para. 1 of resolution 1994/10).

18. Protection of minorities.

Legislative authority: Sub-Commission resolutions 1989/44, 1994/4 and 1994/11 and decision 1994/113.

Documentation:

(a) Report of the Secretary-General (para. 2 of resolution 1994/4);

(b) Working paper by Mr. Eide (decision 1994/113).

19. Freedom of movement:

(a) Situation of migrant workers and members of their families.

(b) Population displacements.

Legislative authority: Sub-Commission resolutions 1993/21, 1994/24 and 1994/42.

Documentation:

Final report by the Special Rapporteur (paras. 3 and 9 of resolution 1994/42).

20. Implications of humanitarian activities for the enjoyment of human rights.

Legislative authority: Sub-Commission resolution 1994/25.

Documentation:

Preliminary report by the Special Rapporteur (para. 4).

21. Comprehensive examination of thematic issues relating to racism, xenophobia, minorities and migrant workers.

Legislative authority: Sub-Commission resolution 1994/4 (para. 5).

22. Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the forty-eighth session of the Sub-Commission.

23. Adoption of the report of the forty-seventh session.

XXIII. ADOPTION OF THE REPORT ON THE FORTY-SIXTH SESSION

468. At the 37th meeting, on 26 August 1994, the Sub-Commission considered the draft report on the work of its forty-sixth session (E/CN.4/Sub.2/1994/L.10 and Addenda; E/CN.4/Sub.2/1994/L.11 and Addenda).

469. At the same meeting, the Sub-Commission adopted the draft report *ad referendum* and decided to entrust the Rapporteur with its finalization.

ANNEXES

Annex I

AGENDA

1. Election of officers.

2. Adoption of the agenda.

3. Review of the work of the Sub-Commission.

4. Review of further developments in fields with which the Sub-Commission has been concerned.

5. Elimination of racial discrimination:

    (a) Measures to combat racism and racial discrimination and the role of the Sub-Commission;

    (b) Monitoring the transition to democracy in South Africa.

6. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII).

7. The new international economic order and the promotion of human rights:

    (a) The role and equal participation of women in development.

8. The realization of economic, social and cultural rights.

9. Communications concerning human rights: report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII).

10. The administration of justice and the human rights of detainees:

    (a) Question of human rights of persons subjected to any form of detention or imprisonment;

    (b) Question of human rights and states of emergency;

    (c) Individualization of prosecution and penalties, and repercussions of violations of human rights on families;

    (d) The right to a fair trial;

    (e) Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers.

Agenda (continued)

11. Prevention of discrimination against women.

12. Human rights and scientific and technological developments.

13. Encouragement of universal acceptance of human rights instruments.

14. International peace and security as an essential condition for the enjoyment of human rights, above all the right to life.

15. Discrimination against indigenous peoples.

16. Contemporary forms of slavery.

17. Promotion, protection and restoration of human rights at national, regional and international levels:

    (a) Prevention of discrimination and protection of children: human rights and youth;

    (b) Human rights and disability.

18. Protection of minorities.

19. Freedom of movement:

    (a) Situation of migrant workers and members of their families.

20. Implications of humanitarian activities for the enjoyment of human rights.

21. Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the forty-seventh session of the Sub-Commission.

22. Adoption of the report on the forty-sixth session.

Annex II

ATTENDANCE

Members and Alternates

Name	Country of nationality	Term expires in**
Mr. Miguel Alfonso Martínez *Ms. Marianela Ferriol Echevarría	(Cuba)	1996
Ms. Judith Sefi Attah *Ms. Christy Ezim Mbonu	(Nigeria)	1998
Mr. José Bengoa *Mr. Mario Ibarra	(Chile)	1998
Mr. Marc Bossuyt *Mr. Guy Genot	(Belgium)	1996
Mr. Volodymyr Boutkevitch *Mr. Olexandre Kouptchichine	(Ukraine)	1996
Ms. Linda Chavez	(United States of America)	1996
Mr. Stanislav V. Chernichenko *Mr. Teimuraz O. Ramishvili	(Russian Federation)	1998
Ms. Erica-Irene A. Daes *Ms. Kalliopi Koufa	(Greece)	1988
Mr. Asbjørn Eide *Mr. Jan Helgesen	(Norway)	1996
Mr. Osman El-Hajjé	(Lebanon)	1998
Mr. Fan Guoxiang *Mr. Zhong Shukong	(China)	1998
Ms. Clemencia Forero Ucros *Mr. Jorge Orlando Melo	(Colombia)	1996

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* Alternate

** Term of office expires upon election of members of the Sub-Commission at the fifty-second (1996) session of the Commission on Human Rights.

Name	Country of nationality	Term expires in**
Mr. El-Hadji Guissé *Mr. Ndary Toure	(Senegal)	1998
Ms. Lucy Gwanmesia *Mr. Pierre Sob	(Cameroon)	1998
Mr. Maksum-Ul-Hakim *Mr. Tofazzal Hossain Khan	(Bangladesh)	1996
Mr. Ribot Hatano *Mr. Yozo Yokota	(Japan)	1996
Mr. Louis Joinet *Mr. Emmanuel Decaux	(France)	1998
Mr. Ahmed Khalifa *Mr. Ahmed Khalil	(Egypt)	1996
Mr. Mohammed Sardar Ali Khan	(India)	1998
Mr. Miguel Limón Rojas *Mr. Héctor Fix Zamudio	(Mexico)	1998
Mr. José Augusto Lindgren Alves *Ms. Marília S. Zelner Gonçalves	(Brazil)	1998
Mr. Ioan Maxim *Mr. Petru Pavel Gavrilescu	(Romania)	1996
Ms. Claire Palley *Mr. John Merrills	(United Kingdom of Great Britain and Northern Ireland)	1998
Mr. Saïd Naceur Ramadhane *Mr. Abdelfettah Amor	(Tunisia)	1996
Ms. Halima Embarek Warzazi *Mr. Mohamed Benkaddour	(Morocco)	1996
Mr. Fisseha Yimer	(Ethiopia)	1996

States Members of the United Nations represented by observers

Albania, Algeria, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrein, Bangladesh, Belgium, Bhutan, Bosnia and Herzegovina, Brazil, Bulgaria, Chile, China, Colombia, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Germany, Ghana, Greece, Guatemala, Haiti, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Italy, Japan, Kenya, Kuwait, Latvia, Lebanon, Libyan Arab Jamahiriya, Lithuania, Madagascar, Malaysia, Mauritania, Mexico, Morocco, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Peru, Philippines, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Singapore, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Thailand, The Former Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Viet Nam, Zambia.

Non-member States represented by observers

Holy See, Switzerland.

United Nations bodies

United Nations Children's Fund, United Nations Compensation Commission, United Nations High Commissioner for Refugees, United Nations Office at Vienna, United Nations Volunteers.

Specialized agencies

International Labour Organisation, United Nations Educational, Scientific and Cultural Organization, World Health Organization.

Intergovernmental organizations

League of Arab States, Commission of the European Communities.

National liberation movements

Palestine.

Other organization

International Committee of the Red Cross.

Non-governmental organizations

Category I

Greek Orthodox Archdiocesan Council of North and South America, International Alliance of Women, International Confederation of Free Trade Unions, International Council of Women, International Federation of Red Cross and Red Crescent Societies, International Movement ATD Fourth World, Inter-Parliamentary Union, International Youth and Student Movement for the United Nations, Scroptimist International, World Confederation of Labour, World Federation of Democratic Youth, World Federation of Trade Unions, World Federation of United Nations Associations, World Muslim Congress, Zonta International.

Category II

African Association of Education for Development, All India Women's Conference, American Association of Jurists, Amnesty International, Andean Commission of Jurists, Anti-Slavery International, Arab Lawyers Union, Arab Organization for Human Rights, Associated Country Women of the World, Baha'i International Community, Caritas Internationalis, Commission of the Churches on International Affairs of the World Council of Churches, Conference of European Churches, Consultative Council of Jewish Organizations, Coordinating Board of Jewish Organizations, Defence for Children International, Disabled Peoples' International, Education International, France-Libertés: Fondation Danielle Mitterrand, Four Directions Council, Friends World Committee for Consultation, Habitat International Coalition, Human Rights Advocates, Human Rights Internet, Indian Institute for Non-Aligned Studies, Indigenous World Association, Inter-African Committee on Traditional Practices, International Abolitionist Federation, International Alert, International Association Against Torture, International Association for Religious Freedom, International Association for the Defence of Religious Liberty, International Association of Democratic Lawyers, International Association of Penal Law, International Catholic Child Bureau, International Commission of Jurists, International Council on Environmental Law, International Council of Jewish Women, International Federation of Human Rights, International Federation of University Women, International Federation of Women in Legal Careers, International Federation Terre des Hommes, International Fellowship of Reconciliation, International Indian Treaty Council, International Islamic Federation of Student Organizations, International League for Human Rights, International League for the Rights and Liberation of Peoples, International Movement for Fraternal Union among Races and Peoples, International Organization for the Development of Freedom of Education, International Organization for the Elimination of All Forms of Racial Discrimination, International Organization of Indigenous Resource Development, International Union of Latin Notariat, International Union of Lawyers, International Work Group for Indigenous Affairs, Latin American Federation of Associations of Relatives of Disappeared Detainees, Law Association for Asia and the Pacific, Lutheran World Federation, Pax Christi, Pax Romana, Regional Council on Human Rights in Asia, Service Peace and Justice in Latin America, Sierra Club Legal Defense Fund, Inc., Society for Endangered Peoples, Union of Arab Jurists, Women's International League for Peace and Freedom, Women's International Zionist Organization, World Federalist Movement, World Federation for Mental Health, World Federation of Methodist Women, World Jewish Congress, World Society of Victimology, World University Service.

Roster

Article XIX. The International Centre against Censorship, Centre Europe - Tiers Monde, Grand Council of the Crees (of Quebec), Indian Council of South America, Indian Law Resource Centre, International Association of Educators for World Peace, International Council of Nurses, International Educational Development, Inc., International Falcon Movement - Socialist

Educational International, International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities, International Federation of ACAT, International Human Rights Association of American Minorities, International Humanist and Ethical Union, International Lesbian and Gay Association, International Human Rights Internship Program, International Movement Against All Forms of Discrimination and Racism, International Pen, Liberation, Minority Rights Group, Movement against Racism and for Friendship Among Peoples, Planetary Citizens, Saami Council, World Alliance of Reformed Churches, World Association for the School as an Instrument of Peace, World Organization Against Torture, World Union for Progressive Judaism.

Annex III

ADMINISTRATIVE AND PROGRAMME BUDGET IMPLICATIONS OF RESOLUTIONS AND DECISIONS ADOPTED BY THE SUB-COMMISSION AT ITS FORTY-SIXTH SESSION

1. Statements on estimates of the programme budget implications for perennial activities resulting from mandates of the Economic and Social Council were not submitted, since provisions for such activities are included in the proposed programme budget for 1994-1997 (A/48/6/Rev.1).

2. In all other cases, a statement on an estimate of the programme budget implications of implementing the draft resolution was made by a representative of the Secretary-General, in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

Annex IV

SUB-COMMISSION RESOLUTIONS REFERRING TO MATTERS WHICH ARE DRAWN TO THE COMMISSION'S ATTENTION

1994/3	Monitoring the transition to democracy in South Africa, paragraph 4
1994/5	Report of the Working Group on Contemporary Forms of Slavery, paragraphs 6, 10, 16, 37, 39, 41
1994/11	Strengthening the prevention and punishment of the crime of genocide, paragraph 1
1994/15	Violation of the human rights of staff members of the Unite Nations system and other persons acting under the authority of the United Nations, paragraphs 5, 7
1994/16	Situation of human rights in the Islamic Republic of Iran, paragraph 7
1994/17	Situation in Burundi, paragraph 8
1994/19	Situation of human rights in Chad, paragraph 3
1994/20	Situation of human rights in Togo, paragraph 3
1994/26	Minimum humanitarian standards, paragraphs 1, 2
1994/29	Discrimination in the context of human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS), paragraphs 5, 6
1994/30	Traditional practices affecting the health of women and children, paragraph 8
1994/32	Strengthening of the Centre for Human Rights, paragraph 4
1994/37	Measures towards the full realization of economic, social and cultural rights, paragraph 7
1994/39	Forced evictions, paragraph 1
1994/45	Draft United Nations declaration on the rights of indigenous peoples, paragraphs 4 (b), 5
1994/50	Permanent forum in the United Nations for indigenous people, paragraph 3

Annex V

A. STUDIES AND REPORTS COMPLETED AT THE FORTY-SIXTH SESSION OF THE SUB-COMMISSION

Item	Title	Special Rapporteur	Legislative authority	First submission	Final submission
4	Human rights and the environment	Ms. Ksentini	Sub-Commission resolution 1993/32 (and Commission on Human Rights resolution 1994/65)	Forty-fourth session (1992)	Forty-sixth session (1994)
10	The right to a fair trial	Mr. Chernichenko and Mr. Treat	Sub-Commission resolution 1993/26 (and Commission on Human Rights decision 1994/107)	Forty-second session (1990)	Forty-sixth session (1994)

B. ONGOING STUDIES AND REPORTS ENTRUSTED TO SPECIAL RAPPORTEURS IN ACCORDANCE WITH EXISTING LEGISLATIVE AUTHORITY a/

Item	Title	Special Rapporteur	Legislative authority	First submission	Final submission
(4) 10	Question of the impunity of perpetrators of violations of human rights	Mr. Guissé and Mr. Joinet	Commission on Human Rights resolution 1994/44 Sub-Commission resolution 1994/34	Forty-fifth session (1993)	Forty-seventh session (1995)
5(b)	Transition to democracy in South Africa	Ms. Attah	Commission on Human Rights resolution 1994/8 Sub-Commission resolution 1994/3	Forty-fifth session (1993)	Forty-seventh session (1995)
8	The right to adequate housing	Mr. Sachar	Commission on Human Rights resolution 1994/14 Sub-Commission resolution 1994/38	Forty-fifth session (1993)	Forty-seventh session (1995)
8	Human rights and extreme poverty	Mr. Despouy	Commission on Human Rights resolution 1994/12 Sub-Commission resolution 1994/41	Forty-fifth session (1993)	Forty-eighth session (1996)
8	Human rights dimensions of population transfer	Mr. Al-Khasawneh	Commission on Human Rights decision 1994/102 Sub-Commission resolution 1994/42	Forty-fifth session (1993)	Forty-seventh session (1995)
15	Protection of the heritage of the indigenous people	Ms. Daes	Commission on Human Rights resolution 1994/105 Sub-Commission resolution 1994/48	Forty-sixth session (1994)	Forty-seventh session (1995)
15	Treaties, agreements and other constructive arrangements between States and indigenous populations	Mr. Alfonso Martínez	Commission on Human Rights decision 1994/106 Sub-Commission decision 1994/116	Forty-third session (1991)	Forty-eighth session (1996)

C. ANNUAL REPORTS ENTRUSTED TO SPECIAL RAPPORTEURS IN ACCORDANCE WITH EXISTING LEGISLATIVE AUTHORITY a/

Item	Title	Special Rapporteur	Legislative authority	First submission	Final submission
10	Question of human rights and states of emergency	Mr. Despouy	Commission resolution 1994/43 Sub-Commission resolution 1994/36	Thirty-ninth session (1987)	

D. WORKING PAPERS AND OTHER DOCUMENTS ENTRUSTED TO MEMBERS OF THE SUB-COMMISSION IN ACCORDANCE WITH EXISTING LEGISLATIVE AUTHORITY a/

Item	Title	Members of the Sub-Commission	Legislative authority	First submission	Final submission
4	Human rights and terrorism	Mr. Ramadhane	Commission on Human Rights resolution 1994/46 Sub-Commission resolution 1994/18	Forty-seventh session (1995)	Forty-seventh session (1995)
16	Systematic rape, sexual slavery and slavery-like practices during wartime, including internal armed conflict	Ms. Chavez	Commission on Human Rights decision 1994/103 Sub-Commission decision 1994/109	Forty-seventh session (1995)	Forty-seventh session (1995)

E. NEW STUDIES AND REPORTS RECOMMENDED TO THE COMMISSION ON HUMAN RIGHTS FOR APPROVAL

Item	Title	Special Rapporteur	Legislative authority	First submission	Final submission
4	Traditional practices affecting the health of women and children	Ms. Warzazi	Sub-Commission resolution 1994/30	Forty-seventh session (1995)	Forty-eighth session (1996)
4	Recognition of gross and large-scale violations of human rights as an international crime	Mr. Chernichenko	Commission on Human Rights decision 1994/103 Sub-Commission resolution 1994/28	Forty-seventh session (1995)	
8	Human rights and income distribution	Mr. Bengoa	Sub-Commission resolution 1994/40	Forty-seventh session (1995)	Forty-ninth session (1997)
16	Exploitation of child labour and debt bondage	Ms. Warzazi	Commission on Human Rights decision 1994/103 Sub-Commission resolution 1994/5	Forty-seventh session (1995)	
20	Question of the implications for human rights of United Nations action, including humanitarian assistance, in addressing international humanitarian problems and in the promotion and protection of human rights	Ms. Palley	Commission on Human Rights decision 1994/103 Sub-Commission resolution 1994/25	Forty-seventh session (1995)	Forty-ninth session (1997)

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a/ This list has been prepared in accordance with Commission on Human Rights resolution 1982/23.

Annex VI

LIST OF DOCUMENTS ISSUED FOR THE FORTY-SIXTH SESSION OF THE SUB-COMMISSION

Documents issued in the general series

Symbol	Agenda item	
E/CN.4/Sub.2/1994/1		Provisional agenda: note by the Secretary-General
E/CN.4/Sub.2/1994/1/Add.1 and Corr.1		Annotations to the provisional agenda prepared by the Secretary-General
E/CN.4/Sub.2/1994/1/Rev.1		Agenda: note by the Secretary-General
E/CN.4/Sub.2/1994/2 and Add.1	15	Technical review of the United Nations draft declaration on the rights of indigenous peoples: note by the secretariat
E/CN.4/Sub.2/1994/3	3	Report of the Working Group on the methods of work of the Sub-Commission, established pursuant to Sub-Commission resolution 1993/4
E/CN.4/Sub.2/1994/4	4	Note by the Secretary-General
E/CN.4/Sub.2/1994/5	4	Memorandum submitted by the International Labour Office
E/CN.4/Sub.2/1994/6	4	Report submitted by the United Nations Educational, Scientific and Cultural Organization
E/CN.4/Sub.2/1994/7 and Add.1	4	Report of the Secretary-General prepared pursuant to Sub-Commission resolution 1993/29
E/CN.4/Sub.2/1994/8	4	Developments in the United Nations system concerning HIV and AIDS: report of the Secretary-General
E/CN.4/Sub.2/1994/9 and Corr.1	4	Human rights and the Environment: final report prepared by Ms. Fatma Zohra Ksentini, Special Rapporteur
E/CN.4/Sub.2/1994/10 and corr.1	4	Report of the second United Nations Regional Seminar on Traditional Practices Affecting the Health of Women and Children

Symbol	Agenda item	
E/CN.4/Sub.2/1994/10/Add.1 and Corr.1	4	Plan of Action for the Elimination of Harmful Traditional Practices affecting the Health of Women and Children
E/CN.4/Sub.2/1994/11 and Corr.1	4	Preliminary report on opposition to the impunity of perpetrators of human rights violations (economic, social and cultural rights), prepared by Mr. Guissé and Mr. Joinet, pursuant to Sub-Commission resolution 1993/37
E/CN.4/Sub.2/1994/12	5 (a)	Efforts made by United Nations bodies to prevent and combat racism, racial discrimination, xenophobia and related intolerance: report of the Secretary-General
E/CN.4/Sub.2/1994/13	5 (b)	Note by the secretariat
E/CN.4/Sub.2/1994/14 and Add.1	6	Situation in East Timor: note by the secretariat
E/CN.4/Sub.2/1994/15	6	Note by the Secretary-General
E/CN.4/Sub.2/1994/16	6	Note by the Secretary-General
E/CN.4/Sub.2/1994/17	3	Working paper prepared by the secretariat on the question of the reform of the procedure governed by Economic and Social Council resolution 1503 (XLVIII)
E/CN.4/Sub.2/1994/17/Add.1	3	Opinion of the Legal Counsel of the United Nations on the interpretation to be given to paragraph 10 of Economic and Social Council resolution 1503 (XLVIII)
E/CN.4/Sub.2/1994/18 and Corr.1	8	The human rights dimensions of population transfer, including the implementation of settlers: progress report prepared by Mr. Awn Shawhat Al-Khasawneh, Special Rapporteur
E/CN.4/Sub.2/1994/19	8	Interim report on human rights and extreme poverty, prepared by the Special Rapporteur, Mr. Leandro Despouy

Symbol	Agenda item	
E/CN.4/Sub.2/1994/20	8	The right to adequate housing: second progress report submitted by Mr. Rajindar Sachar, Special Rapporteur
E/CN.4/Sub.2/1994/21	8	Preparatory document on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution, prepared by Mr. Asbjørn Eide in accordance with Sub-Commission resolution 1993/40
E/CN.4/Sub.2/1994/22	10 (a)	Report of the sessional working group on the administration of justice and the question of compensation
E/CN.4/Sub.2/1994/23 and Corr.1	10 (b)	Seventh revised annual report and list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency, presented by Mr. Leandro Despouy, Special Rapporteur appointed pursuant to Economic and Social Council resolution 1985/37
E/CN.4/Sub.2/1994/24	10 (d)	The right to a fair trial: Current recognition and measures necessary for its strengthening: final report prepared by Mr. Stanislav Chernichenko and Mr. William Treat
E/CN.4/Sub.2/1994/25 and Add.1	10 (d)	National practices related to the right to a fair trial: report of the Secretary-General
E/CN.4/Sub.2/1994/26	10 (d)	Report of the Secretary-General prepared pursuant to Sub-Commission resolution 1993/26
E/CN.4/Sub.2/1994/27	13	Note by the Secretary-General
E/CN.4/Sub.2/1994/28		Not issued
E/CN.4/Sub.2/1994/29	14	Interrelationship between human rights and international peace: supplementary working paper prepared by Mr. Murlidhar Bhandare pursuant to Sub-Commission resolution 1989/47

Symbol	Agenda item	
E/CN.4/Sub.2/1994/30 and Corr.1	15	Report of the Working Group on Indigenous Populations on its twelfth session
E/CN.4/Sub.2/1994/31	15	Protection of the heritage of indigenous people: Preliminary report of the Special Rapporteur, Ms. Erica-Irene Daes, submitted in conformity with Sub-Commission resolution 1993/44 and decision 1994/105 of the Commission on Human Rights
E/CN.4/Sub.2/1994/32		Not issued
E/CN.4/Sub.2/1994/33 and Corr.1	16	Report of the Working Group on Contemporary Forms of Slavery on its nineteenth session
E/CN.4/Sub.2/1994/34	16	Report of the Secretary-General on the Programme of Action for the Elimination of the Exploitation of Child Labour and Debt Bondage, submitted pursuant to Commission on Human Rights resolution 1993/79
E/CN.4/Sub.2/1994/35	17 (c)	Report prepared by the Secretary-General pursuant to Sub-Commission resolution 1993/22
E/CN.4/Sub.2/1994/36 and Corr.1	18	Working paper containing suggestions for a comprehensive programme for the prevention of discrimination and protection of minorities prepared by Mr. Asbjørn Eide pursuant to Sub-Commission resolution 1993/43
E/CN.4/Sub.2/1994/37	5 (a)	Note by the Secretary-General transmitting the preliminary report of Mr. Maurice Glélé-Ahanhanzo, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance
E/CN.4/Sub.2/1994/38	5 (a)	Letter dated 27 April 1994 from the Chairman of the Committee on the Elimination of Racial Discrimination addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

Symbol	Agenda item	
E/CN.4/Sub.2/1994/39	20	Further preparatory document submitted by Ms. Claire Palley on the question of the role of the United Nations in international humanitarian activities and assistance and human rights enforcement, bearing in mind the principle of non-interference
E/CN.4/Sub.2/1994/40	15	Transnational investments and operations on the lands of indigenous peoples: report of the Centre on Transnational Corporations submitted pursuant to Sub-Commission resolution 1990/26
E/CN.4/Sub.2/1994/41	16	Note by the secretariat pursuant to paragraph 3 of Commission on Human Rights resolution 1993/27 and paragraphs 25 and 26 of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1993/5
E/CN.4/Sub.2/1994/42	10	Note verbale dated 10 May 1994 from the Permanent Mission of the Republic of Iraq to the United Nations Office at Geneva addressed to the Centre for Human Rights
E/CN.4/Sub.2/1994/43	6	Letter dated 4 July 1994 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights
E/CN.4/Sub.2/1994/44	10	Note verbale dated 12 July 1994 from the Permanent Mission of the State of Kuwait to the United Nations Office at Geneva addressed to the Centre for Human Rights

Symbol	Agenda item	
E/CN.4/Sub.2/1994/45	6	Note verbale dated 28 July 1994 from the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office and Other International Organizations at Geneva addressed to the Chairman of the forty-fifth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/Sub.2/1994/46	5, 18	Note verbale dated 28 July 1994 from the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office and Other International Organizations at Geneva addressed to the Chairman of the forty-fifth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/Sub.2/1994/47	8	Note verbale dated 3 August 1994 from the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office and Other International Organizations at Geneva addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/Sub.2/1994/48	18	Letter dated 5 August 1994 from the Permanent Representative of the Russian Federation to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights
E/CN.4/Sub.2/1994/49	18	Note verbale dated 5 August 1994 from the Permanent Mission of the Republic of Latvia to the United Nations Office at Geneva addressed to the Centre for Human Rights

Symbol	Agenda item	
E/CN.4/Sub.2/1994/50	8	Note verbale dated 4 July 1994 from the Permanent Mission of Iraq to the United Nations Office at Geneva addressed to the Centre for Human Rights
E/CN.4/Sub.2/1994/51	6	Note verbale dated 12 August 1994 from the Permanent Mission of Peru to the United Nations Office at Geneva addressed to the Centre for Human Rights
E/CN.4/Sub.2/1994/52	15	International Decade of the World's Indigenous People: Note by the Chairperson-Rapporteur of the Working Group on Indigenous Populations, Ms. Erica-Irene A. Daes
E/CN.4/Sub.2/1994/53	6	Letter dated 16 August 1994 from the Permanent Representative of Israel to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights
E/CN.4/Sub.2/1994/54	18	Note verbale dated 12 July 1994 from the Permanent Mission of Iraq to the United Nations Office at Geneva addressed to the Centre for Human Rights
E/CN.4/Sub.2/1994/55	8	Note verbale dated 13 July 1994 dated 12 July 1994 from the Permanent Mission of Iraq to the United Nations Office at Geneva addressed to the Centre for Human Rights

Documents issued in the limited series

E/CN.4/Sub.2/1994/L.1	22	Note by the Secretary-General: draft provisional agenda of the forty-seventh session of the Sub-Commission
E/CN.4/Sub.2/1994/L.2	6	Mr. Bengoa, Mr. Bossuyt, Ms. Daes, Mr. Guissé, Ms. Gwanmesia, Mr. Joinet, Mr. Maxim, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer: draft resolution

Symbol	Agenda item	
E/CN.4/Sub.2/1994/L.3	5 (a)	Mr. Alfonso Martínez, Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Mr. Eide, Mr. El-Hajjé, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Hakim, Mr. Hatano, Mr. Joinet, Mr. Khan, Ms. Koufa, Mr. Limón Rojas, Mr. Lindgren Alves, Mr. Maxim, Ms. Mbonu, Ms. Palley, Mr. Ramadhane, and Ms. Warzazi: draft resolution
E/CN.4/Sub.2/1994/L.4	5 (b)	Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Mr. Eide, Mr. Fan, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Mr. Joinet, Mr. Khalifa, Ms. Koufa, Mr. Maxim, Ms. Palley and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1994/L.5	18	Mr. Bengoa, Ms. Chavez, Mr. Eide, Mr. El-Hajjé, Mr. Guissé, Mr. Hakim, Mr. Joinet, Mr. Khalifa, Mr. Khan, Mr. Limón Rojas, Mr. Lindgren Alves, Mr. Maxim, Ms. Palley, Ms. Warzazi and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1994/L.6	18	Mr. Bengoa, Ms. Chavez, Ms. Daes, Mr. El-Hajjé, Mr. Fan, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Hakim, Mr. Joinet, Mr. Khalifa, Mr. Khan, Mr. Limón Rojas, Mr. Lindgren Alves, Mr. Maxim, Mr. Merrills, Ms. Warzazi, Mr. Yimer and Mr. Yokota: draft resolution
E/CN.4/Sub.2/1994/L.7	17 (a)	Mr. Bengoa, Mr. Eide, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Lindgren Alves, Mr. Maxim, Mr. Merrills and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1994/L.8	16	Ms. Chavez, Ms. Daes, Mr. Eide, Ms. Forero Ucros, Ms. Gwanmesia, Mr. Hatano, Ms. Palley and Mr. Yimer: draft resolution

Symbol	Agenda item	
E/CN.4/Sub.2/1994/L.9	17 (a)	Mr. Alfonso Martínez, Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Ms. Koufa, Mr. Eide, Mr. El-Hajjé, Mr. Fan, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Hakim, Mr. Fix Zamudio, Mr. Khan, Mr. Lindgren Alves, Mr. Maxim, Ms. Palley, Mr. Ramadhane, Ms. Warzazi, Mr. Yimer and Mr. Yokota: draft resolution
E/CN.4/Sub.2/1994/L.10 and Adds.1-18	22	Draft report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-fifth session
E/CN.4/Sub.2/1994/L.11 and Add.1-4	22	Draft report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-fifth session
E/CN.4/Sub.2/1994/L.12	17 (b)	Mr. El-Hajjé: draft resolution
E/CN.4/Sub.2/1994/L.13	16	Mr. Alfonso Martínez, Mr. Eide, Mr. El-Hajjé, Mr. Guissé, Mr. Hakim, Mr. Maxim, Ms. Palley, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1994/L.14	16	Mr. Alfonso Martínez, Mr. Eide, Mr. Guissé, Mr. Hakim, Mr. Maxim, Ms. Palley, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1994/L.15	16	Mr. Alfonso Martínez, Mr. Eide, Mr. El-Hajjé, Mr. Guissé, Mr. Hakim, Mr. Maxim, Ms. Palley, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1994/L.16	10	Mr. Bossuyt, Ms. Chavez, Ms. Daes, Mr. Eide, Mr. Fan, Ms. Gwanmesia, Mr. Maxim, Ms. Palley, Ms. Warzazi and Mr. Yimer: draft resolution

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E/CN.4/Sub.2/1994/L.17	19	Mr. Bossuyt, Ms. Chavez, Mr. Eide, Mr. El-Hajjé, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Ms. Palley, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1994/L.18/ Rev.1	8	Mr. Eide, Mr Hatano, Mr. Maxim, Ms. Palley and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1994/L.19	6	Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Ms. Daes, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Mr. Joinet, Mr. Khan, Mr. Limón Rojas and Ms. Palley: draft resolution
E/CN.4/Sub.2/1994/L.20	6	Mr. Bossuyt, Ms. Chavez, Ms. Koufa, Mr. Eide, Ms. Gwanmesia, Mr. Decaux and Ms. Palley: draft resolution
E/CN.4/Sub.2/1994/L.21	6	Mr. Bossuyt, Ms. Chavez, Mr. Eide and Ms. Palley: draft resolution
E/CN.4/Sub.2/1994/L.22	4	Mr. Bossuyt, Ms. Chavez, Ms. Daes, Mr. Eide, Mr Hatano, Mr. Joinet, Ms. Palley and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1994/L.23	6	Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Ms. Koufa, Mr. Eide, Mr. Joinet, Mr. Fix Zamudio, Mr. Maxim and Ms. Palley: draft resolution
E/CN.4/Sub.2/1994/L.24	4	Mr. Alfonso Martinez, Mr. Boutkevitch, Mr. Chernichenko, Ms. Daes, Mr. Fan, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Mr. Hakim, Mr. Joinet, Mr. Khan, Mr. Maxim, Ms. Palley, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1994/L.25	6	Ms. Chavez, Ms. Koufa, Ms. Gwanmesia and Ms. Palley: draft resolution

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E/CN.4/Sub.2/1994/L.26	6	Ms. Chavez, Mr. Chernichenko, Ms. Daes, Mr. El-Hajjé, Ms. Forero Ucros, Ms. Palley and Ms. Warzazi: draft resolution
E/CN.4/Sub.2/1994/L.27	8	Mr. Alfonso Martinez, Mr. Chernichenko, Mr. Eide, Mr. Hakim, Mr. Khalil, Mr. Khan, Mr. Maxim, Ms. Palley, Mr. Ramadhane and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1994/L.28	6	Mr. Bengoa, Mr. Bossuyt, Ms. Chavez, Mr. Chernichenko, Mr. Eide, Ms. Gwanmesia, Mr. Limón Rojas, Mr. Maxim and Ms. Palley: draft resolution
E/CN.4/Sub.2/1994/L.29	10	Mr. Bengoa, Mr. Bossuyt, Ms. Chavez, Ms. Daes, Mr. Decaux, Mr. El-Hajjé, Mr. Fan, Mr. Fix Zamudio, Ms. Forero Ucros, Mr. Guissé, Mr. Hakim, Mr. Hatano, Mr. Khalil, Mr. Lindgren Alves, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1994/L.30/ Rev.1	3	Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Ms. Daes, Mr. El-Hajjé, Mr. Fan, Mr. Fix Zamudio, Ms. Forero Ucros, Mr. Guissé, Mr. Hatano, Mr. Hakim, Mr. Lindgren Alves, Mr. Maxim, Ms. Palley, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1994/L.31/ Rev.1	6	Mr. Bengoa, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Mr. Fix Zamudio, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Hakim, Mr. Hatano, Mr. Joinet, Mr. Khalil, Mr. Khan, Ms. Koufa, Mr. Maxim, Ms. Palley and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1994/L.32	6	Mr. Alfonso Martínez, Mr. Bengoa, Mr. El-Hajjé, Mr. Khan and Mr. Ramadhane: draft resolution

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E/CN.4/Sub.2/1994/L.33	4	Mr. Bengoa, Mr. Boutekvitch, Ms. Chavez, Ms. Daes, Mr. El-Hajjé, Mr. Fix Zamudio, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Mr. Hakim, Mr. Khalil, Mr. Khan, Mr. Maxim, Ms. Palley, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1994/L.34/ Rev.1	6	Mr. Bengoa, Mr. Bossuyt, Mr. Chernichenko, Ms. Daes, Mr. Decaux, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Hakim, Mr. Khalil, Mr. Khan, Mr. Maxim, Ms. Palley, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1994/L.35	10 (d)	Mr. Alfonso Martinez, Mr. Bengoa, Ms. Chavez, Ms. Daes, Mr. El-Hajjé, Mr. Fix Zamudio, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Mr. Khan, Mr. Lindgren Alves, Mr. Maxim, Ms. Palley, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1994/L.36	6	Mr. Bossuyt, Ms. Chavez, Mr. Decaux, Mr. Fix Zamudio, Mr. Guissé, Ms. Gwanmesia, Mr. Khalil, Ms. Koufa, Mr. Maxim, Ms. Palley, Mr. Ramadhane and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1994/L.37	6	Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Ms. Koufa, Mr. Eide, Ms. Gwanmesia, Mr. Joinet, Mr. Maxim, Ms. Palley and Mr. Ramadhane: draft resolution
E/CN.4/Sub.2/1994/L.38	6	Mr. Boutkevitch, Mr. Guissé, Mr. Fix Zamudio, Mr. Maxim and Ms. Palley: draft resolution
E/CN.4/Sub.2/1994/L.39	6	Ms. Daes: draft resolution

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E/CN.4/Sub.2/1994/L.40	6	Mr. Bengoa, Mr. Chernichenko, Mr. El-Hajjé, Ms. Forero Ucros, Mr. Guissé, Mr. Hatano, Mr. Joinet, Mr. Fix Zamudio, Mr. Maxim and Ms. Palley: draft resolution
E/CN.4/Sub.2/1994/L.41	6	Mr. Bengoa, Mr. Bossuyt, Ms. Chavez, Mr. El-Hajjé, Ms. Forero Ucros, Mr. Decaux, Mr. Fix Zamudio, Mr. Maxim, Ms. Palley, Mr. Ramadhane and Ms. Warzazi: draft resolution
E/CN.4/Sub.2/1994/L.42	4	Mr. Decaux, Mr. El-Hajjé, Ms. Forero Ucros, Mr. Hatano and Mr. Hakim: draft resolution
E/CN.4/Sub.2/1994/L.43	4	Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Ms. Daes, Mr. El-Hajjé, Mr. Fix Zamudio, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Mr. Hakim, Mr. Joinet, Mr. Khan, Mr. Lindgren Alves, Mr. Maxim, Ms. Palley and Mr. Ramadhane: draft resolution
E/CN.4/Sub.2/1994/L.44	8	Mr. Eide, Mr. Hatano, Mr. Hakim, Mr. Khan, Mr. Maxim, Ms. Palley and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1994/L.45	20	Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch, Ms. Daes, Mr. Decaux, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Mr. Hakim, Mr. Khalil, Mr. Khan, Mr. Fix Zamudio, Mr. Lindgren Alves, Mr. Maxim, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1994/L.46	8	Mr. Fan, Ms. Ferriol Echevarría, Mr. Fix Zamudio, Ms. Forero Ucros, Mr. Hatano, Mr. Lindgren Alves, Mr. Maxim and Ms. Warzazi: draft resolution
E/CN.4/Sub.2/1994/L.47	8	Mr. Bengoa, Ms. Ferriol Echevarría, Mr. Fix Zamudio, Ms. Forero Ucros, and Ms. Warzazi: draft resolution

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E/CN.4/Sub.2/1994/L.48	13	Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Ms. Daes, Mr. Decaux, Mr. El-Hajjé, Mr. Fan, Mr. Fix Zamudio, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Hakim, Mr. Hatano, Mr. Khalil, Mr. Khan, Mr. Lindgren Alves, Mr. Maxim, Ms. Palley, Ms. Warzazi and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1994/L.49	15	Mr. Bengoa, Ms. Chavez and Mr. Hatano: draft resolution
E/CN.4/Sub.2/1994/L.50	10 (b)	Mr. Decaux: draft resolution
E/CN.4/Sub.2/1994/L.51	4	Mr. Bengoa, Mr. Bossuyt, Mr. Chernichenko, Ms. Daes, Mr. Decaux, Mr. Fan, Mr. Fix Zamudio, Ms. Forero Ucros, Ms. Gwanmesia, Mr. Hakim, Mr. Hatano, Mr. Khalil, Mr. Khan, Mr. Lindgren, Mr. Maxim, Ms. Palley, Mr. Ramadhane and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1994/L.52	8	Ms. Daes, Mr. Fix Zamudio, Ms. Forero Ucros, Mr.Guissé, Ms. Gwanmesia, Mr. Hatano, Mr. Hakim, Mr. Khan, Mr. Maxim, Ms. Palley, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1994/L.53	11	Ms. Ferriol Echevarría, Mr. Bengoa, Mr. Boutkevitch, Mr. Chernichenko, Mr. Decaux, Mr. Fan, Mr. Fix Zamudio, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Khalil, Mr. Khan, Mr. Lindgren Alves, Mr. Maxim, Ms. Palley, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1994/L.54/ Rev.1	15	Mr. Bengoa, Mr. Bossuyt, Mr. Chernichenko, Ms. Daes, Mr. Eide, Mr. Guissé, Mr. Hakim, Mr. Hatano, Mr. Khalil, Mr. Khan, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer: draft resolution

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E/CN.4/Sub.2/1994/L.59	15	Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Mr. Eide, Mr. Fan, Mr. Fix Zamudio, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Hakim, Mr. Hatano, Mr. Joinet, Mr. Khalil, Mr. Khan, Ms. Koufa, Ms. Warzazi and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1994/L.60	15	Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch, Ms. Daes, Mr. Eide, Mr. Guissé, Mr. Hakim, Mr. Hatano, Mr. Khalil, Mr. Khan, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer: draft resolution

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E/CN.4/Sub.2/1994/NGO/29	6	Joint written statement submitted by the American Association of Jurists, the Andean Commission of Jurists, the International Commission of Jurists, the International Indian Treaty Council, the International League for the Rights and Liberation of Peoples, the Latin American Federation of Associations of Relatives of Disappeared Detainees, Service Peace and Justice in Latin America and Women's International League for Peace and Freedom, non-governmental organizations in consultative status (category II)
E/CN.4/Sub.2/1994/NGO/30	16	Written statement submitted by the International Fellowship of Reconciliation, a non-governmental organization in consultative status (category II)
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E/CN.4/Sub.2/1994/NGO/32	6	Joint statement submitted by American Association of Jurists, International League for the Rights and Liberation of Peoples, Latin American Federation of Associations of Relatives of Disappeared Detainees, Service Peace and Justice in Latin America, World Organization against Torture, non-governmental organizations in consultative status (catgory II), and International Educational Development Inc., a non-governmental organization in the Roster
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E/CN.4/Sub.2/1994/NGO/34	15	Written statement submitted by the Indian Law Resource Center, a non-governmental organization on the Roster
E/CN.4/Sub.2/1994/NGO/35	6	Joint written statement by the Commission for the Defense of Human Rights in Central America, Pax Romana and Service Peace and Justice in Latin America, non-governmental organizations in consultative status (category II), and by International Educational Development Inc., the International Federation of ACAT and the Movement against Racism and for Friendship among Peoples, non-governmental organizations on the Roster
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E/CN.4/Sub.2/1994/NGO/37	4	Written statement sumbitted by Human Rights Advocates, a non-governmental organization in consultative status (category II)

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E/CN.4/Sub.2/1994/NGO/38	8	Joint written statement submitted by Disabled Peoples' International, Habitat International Coalition, Human Rights Advocates, International Indian Treaty Council, International Movement for Fraternal Union among Races and Peoples, Service Peace and Justice in Latin America and Sierra Club Legal Defense Fund, non-governmental organizations in consultative status (category II), and by the Indian Council of South America, International Educational Development Inc., International Movement against All Forms of Discrimination and Racism and the World Organization against Torture, non-governmental organizations on the Roster

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